

# Master Plan Map Comments for Planning District 5

## Order:

- a. Submitted in Numerical Order (PD X – X.R)
- b. Staff Recommendation(s) in Numerical Order  
(PD X- X)
- c. Multiple Amendments

**Meeting**

**City of New Orleans**

**City Planning Commission**

**and**

**Councilmember Susan Guidry Staff**

**and**

**Craig Condon  
Kelly Easley  
Steve Farrelly  
John Lyons**

**29 November 2011**

# Proposed Amendment PD5-1R

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## FLUM by PLANNING DISTRICT

Project #	Applicant	Contact	Amendment Type	Number of Items	Location of Change	Planning District	Requested Amendment (Language)
PDS-1R	Councilmember Guldry	Kelly Butler	Map	1	Harrison Avenue Between West End and Canal Blvds.	5	Review Mixed-Use Low Density Designation

Change

the Future Land Use Category of land on the City of New Orleans Future Land Use Map, District 5, CPC adopted June 22, 2010, in Lakeview, along Harrison Ave., between West End and Canal Blvds.

from

**Mixed-Use Low Density**

to

**Residential Single-Family Post-War**

# PROPOSED CHANGES TO DRAFT CZO

(30 October 2011)

The following proposed changes to the Draft CZO - 2011 are submitted by:

**Name** John P. Lyons

**Address** 6342 Louisville St., New Orleans, LA 70124

**Email** jp@gulf-south.com **Phone** 258-7148

## PERSPECTIVE

**The purpose of these proposed changes to the Draft CZO is to make the CZO more responsive to and protective of the quality of life of residential property owners in established residential neighborhoods.**

Neither the current CZO nor the draft CZO require any more stringent regulations to protect established residential neighborhoods from new commercial activities; then when a large tract of undeveloped land is zoned with residential and commercial zoning created side by side at the same time.

I suggest two ways (**tracks**) to implement these proposed changes:

**Track 1:** Revise the current S-LB1 Lake Area Neighborhood Business District regulations, or

**Track 2:** Create a new Lake Area Neighborhood Business District (S-LB3).

This proposal is for either Track 1 or Track 2. Track 2 would allow a new district to be written with a new purpose (to specifically protect residential property owners) and would provide another option and greater flexibility for zoning officials to apply the zoning law.

Since track 2 would require the writing of new district regulations and changes throughout the CZO (that would best be done by CPC) I have not attempted to propose every change that may be necessary.

If track 2 is accepted, request is made to change the zoning along Harrison Ave. between West End and Canal Blvds. to the new S-LB3 district.

The proposed changes have been grouped in three sections as follows:

**Section A (Track 1):** Changes to the S-LB1 Neighborhood Business District.

**Section B (Track 2):** Creation of a new Neighborhood Business District S-LB3.

**Section C:** Changes Common to both Track 1 and Track 2.

The Appendix at the end of this paper references **goals, actions, policies and strategies** in the PLAN FOR THE 21<sup>ST</sup> CENTURY: NEW ORLEANS 2030 that support the changes proposed and show a consistency with the Master Plan principles and the Force of Law doctrine.

## SECTION B

(Track 2)

### CREATE S-LB3 NEIGHBORHOOD BUSINESS DISTRICT

#### 3. CONCEPT COMMENT

Re: **ARTICLE 14. SUBURBAN NEIGHBORHOODS  
NON-RESIDENTIAL DISTRICTS**

**Create a new Neighborhood Business District (S-LB3) for Suburban Neighborhoods to be used when a small portion of an existing established residential zoned district has its zoning changed to allow commercial activities.**

The new district should contain regulations that preserve the sensitive character of the surrounding residential district.

The new commercial uses should be subservient to and compatible with the peace and tranquility of the surrounding residential district.

The list of the permitted commercial uses should be limited and be carefully screened for potential negative impacts on the residential areas.

Restaurants should not be a permitted uses or a new restaurant type titled Neighborhood Restaurant should be created. A very narrow definition should be written for this new type restaurant that should be very small in size so as to serve only the immediate neighborhood. This new type restaurant should be the one and only conditional use for the district.

Suitable transition, barriers and buffers between the two districts should be required.

New commercial use property owners should be required to provide a landscaped park buffer yard of substantial width along all property lines that abut a residential district.

Vehicle parking space on property, in numbers realistic to the number of vehicles the business will draw should be required so as to keep parking from spilling over into the residential area.

Regulations to define nuisance businesses and provide a system for citing and fining them by the residential property owners should be written.

The Code of Ordinances for Terrebonne Parish contains language to protect established residential neighborhoods when commercial activities will be in close proximity.

- Sec. 28-48., (f) states: "In order to facilitate the special need to preserve the sensitive neighborhood setting of the surrounding residential districts, the C-6 zoning regulations incorporate provisions which limit commercial rather stringently; establish use limitations and design standards; control on-site signage; and, require limited aesthetic

- Does the use fit the proposed district purpose statement in paragraph 14.1, H. above?
- Does the use serve the needs of the target area described in paragraph 14.1, C.
- Does the use also serve areas outside of the neighborhood which would add a parking and traffic burden to the adjacent residential neighborhood?
- Does the use have any potential for negative impacts on the residential use properties within and adjacent to the district?
- Is the use a need or a want?
- What protections (transitions, barriers, buffers, parking, etc.) does the Draft CZO provide for the residential uses from the nonresidential uses?
- Would the residential use areas benefit more or be damaged more with the use?

6. Re: **ARTICLE 14. SUBURBAN NEIGHBORHOODS**  
**NON-RESIDENTIAL DISTRICTS**

**TABLE 14-2: BULK & YARD REGULATIONS**

Insert a new column on the table for S-LB3 as shown on the attached marked-up table (See Enclosure 2).

Reasons for Changes: The regulations were evaluated for the S-LB3 neighborhood business district with consideration of the following issues. Changes were made to provide better protection for the residential properties.

- Consider the potential positive and negative impacts on the residential use properties within and adjacent to the district.
- Does the ordinance require an effective "buffer" between the district and adjacent residential district?
- Other zoning ordinances (St. Tammany Parish for example) require larger yards when a commercial district is adjacent to a residential district.
- Small yards for commercial uses and wider yards for residential uses will create an unattractive, saw-tooth street façade and have a negative impact on the residential uses.

Note: See Section "C" for additional changes for Track B.

For a restaurant to be compatible in or near a residential district without being overwhelming; it must be limited in size.

Justification for proposed change:

- Restaurants are possibly the most damaging commercial use to nearby residential areas. Hours of operation, trash, noise, traffic and parking are negative impacts that greatly affect the peace, tranquility and character of nearby residential areas.
- Standard restaurants by their size alone do not serve only the immediate neighborhood and are not a neighborhood business.
- If restaurants are to be classified as a neighborhood business they should be sized to serve only the neighborhood.

See item #13 below for a proposed definition for a **Neighborhood Restaurant**.

**10. Re: ARTICLE 22. OFF-STREET PARKING AND LOADING**

**TABLE 22-1: OFF-STREET VEHICLE PARKING REQUIREMENTS**

Add a footnote to the parking requirement column for the use "Restaurant, Standard" as follows: Footnote (1): 4 per 500 sf GFA in a S-LB1 district.

Add a new entry to the table for "Restaurant, Neighborhood" if this new commercial use is added to Table 14-1 as follows:

<u>USE</u>	<u>PARKING REQUIREMENT</u>
Restaurant, Neighborhood	4 per 500 sf GFA

Evaluation Process: The parking requirements were evaluated with consideration of the following:

- Is parking provided for all vehicles the use could be expected to reasonably draw to its location?
- Is the parking area required adequate to keep parking from spilling over into the adjacent residential areas?
- Do restaurants cause parking problems in adjacent residential neighborhoods? See recent Times Picayune article (Lakeview sees flood of young homeowners, new businesses... 9/26/2011) Quote in article: "Mondo has drawn a huge crowd... You can't find parking here in the middle of the day, much less at night."

**11. Re: ARTICLE 22. OFF-STREET PARKING AND LOADING**

Add the following paragraph:

**22.19 INSUFFICIENT PARKING**

- A. When a non-residential use property, in a [S-LB1 or S-LB3] district, within 55 feet of a residential district is found to draw more vehicles to their business than the on-site parking can accommodate, they shall be deemed to be a nuisance business and shall be required to provide**

#### 14. CONCEPT COMMENT

**Modify the CZO to make West End Park more attractive for standard restaurant use.**

West End Park was a great place for restaurants in the past, has views of the lake unavailable anywhere else and has room for plenty of shared parking areas.

This is underutilized land that restaurants could help bring back. Grouping several standard restaurants here would be a great addition to the park.

This land use is supported in the Plan for the 21<sup>st</sup> Century, volume 2, chapter 14, page 14.18.

#### Enclosures:

- (1) TABLE 14-1: PERMITTED AND CONDITIONAL USES mark-ups for district S-LB1 (2 pages)
- (2) TABLE 14-2: BULK & YARD REGULATIONS mark-ups for districts S-LB1 and S-LB3 (2 pages)
- (3) TABLE 14-1: PERMITTED AND CONDITIONAL USES mark-ups for district S-LB3 (2 pages)



# CHANGES TO S-LB1

DRAFT CZO

## F. Purpose of the S-LP Lake Area Neighborhood Park District

The S-LP Lake Area Neighborhood Park District is intended to provide for small neighborhood-scale passive open space and recreational areas intended to compliment existing residential neighborhoods or transportation corridors. Such land may include small parks and recreation space, open space, greenways, floodways, trails and lands where physical, aesthetic or cultural characteristics. It is intended that these areas provide opportunities for passive outdoor recreation, preserve scenic views and protect fragile environmental areas.

## G. Purpose of the S-LM Lake Area Marina District

The S-LM Lake Area Marina District is intended to accommodate the variety of commercial, open space, and water-related and outdoor recreational uses within the West End.

## 14.2 USES

Only those uses of land listed under Table 14-1: Permitted and Conditional Uses as permitted uses or conditional uses are allowed within the Suburban Neighborhood Districts. A "P" indicates that a use is permitted within that zoning district. A "C" indicates that a use is a conditional use in that zoning district and must obtain a conditional use approval as required in Section 4.3 (Conditional Use). No letter (i.e., a blank space) or the absence of the use from the table indicates that use is not permitted within that zoning district.

TABLE 14-1: PERMITTED AND CONDITIONAL USES						
USE <sup>1</sup>	DISTRICTS					USE STANDARDS
	S-B1	S-B2	S-LB1	S-LB2	S-LC	
RESIDENTIAL USE <sup>2</sup>						
Bed and Breakfast – Family Home			P	P	P	Section 20.3.G
Bed and Breakfast – Guest Home			XC	P	P	Section 20.3.G
Bed and Breakfast – Inn			XC	P	P	Section 20.3.G
Bed and Breakfast – Historic Home			XC	P	P	Section 20.3.G
Day Care Home, Adult or Child – Small			P	P	P	Section 20.3.P
Day Care Home, Adult or Child – Large			C	C	C	Section 20.3.P
Dwelling, Above the Ground Floor	C	C	XC	P	P	Section 20.3.P
Dwelling, Single-Family			P	P	P	
Dwelling, Two-Family			X	P	P	
Dwelling, Multi-Family				C	P	
Group Home, Small			XC	P	P	Section 20.3.BB
Group Home, Large				C	P	Section 20.3.BB
Group Home, Congregate					C	Section 20.3.BB
Residential Care Facility For Elderly	C	C	XC	P	P	Section 20.3.QQ
Timeshare/Transient Vacation Rentals					P	
INSTITUTIONAL USE <sup>2</sup>						
Community Center	C	C	C	C	C	Section 20.3.L
Convent and Monastery	P	P	P	P	P	
Cultural Facility	C	C	X	C	C	Section 20.3.L
Educational Facility, Primary			X	C	C	Section 20.3.R
Educational Facility, Secondary			X	C	C	Section 20.3.R
Educational Facility, University				C	C	Section 20.3.R
Educational Facility, Vocational	C	C		C	C	Section 20.3.R
Government Offices	P	P	XC	P	P	
Hospital					C	
Places of Worship	P	P	XC	P	P	
Public Works and Safety Facility	C	C	C	C	C	Section 20.3.L

TABLE 14-2: BULK &amp; YARD REGULATIONS

BULK & YARD REGULATIONS		DISTRICTS				
BULK REGULATIONS		S-B1	S-B2	S-LB1	S-LB2	S-LC
MINIMUM LOT AREA	10,000sf	10,000sf	SF: 3,125sf/du 2F: 1,750sf/du MF - 3 Unit: 1,500sf/du MF - 4 Unit: 1,200sf/du MF - 5+ Unit: 1,000sf/du Townhouse: 2,000sf/du Non-Residential: 20,000sf	SF: 3,125sf/du 2F: 1,750sf/du MF - 3 Unit: 1,500sf/du MF - 4 Unit: 1,200sf/du MF - 5+ Unit: 1,000sf/du Townhouse: 2,000sf/du Non-Residential: 20,000sf	SF: 3,125sf/du 2F: 1,750sf/du MF - 3 Unit: 1,200sf/du MF - 4 Unit: 1,000sf/du MF - 5+ Unit: 1,000(800)sf/du MF - 12-40 Unit: 1,000(600)sf/du MF - 41+ Unit: 1,000(400)sf/du Townhouse: 2,000sf/du Non-Residential: 20,000sf Educational Facility: 2 ac	
MINIMUM LOT WIDTH	50'	50'	SF & 2F: 30' MF - 3 Unit: 40' MF - 4+ Unit: 50' Townhouse: 18' Non-Residential: 100'	SF & 2F: 30' MF - 3 Unit: 40' MF - 4+ Unit: 50' Townhouse: 18' Non-Residential: 100'	SF & 2F: 30' MF - 3-4 Unit: 40' MF - 5-11 Unit: 50' MF - 12-16 Unit: 60' MF - 17-40 Unit: 75' MF - 41+ Unit: 100' Townhouse: 18' Non-Residential: 100' Educational Facility: 30'	
MINIMUM LOT DEPTH	100'	100'	Residential: 90' Non-Residential: 100'	Residential: 90' Non-Residential: 100'	SF, 2F, MF - 3-11 Unit Townhouse & Non-Residential: 90' MF - 12+ Unit & Educational Facility: 100'	
MAXIMUM BUILDING HEIGHT	40'	40'	SF, 2F, MF - 3-4 Unit, Townhouse & Non-Residential: 40' MF - 5+ Unit: 55'	SF, 2F, MF - 3-4 Unit & Townhouse: 40' MF - 5+ Unit & Non-Residential: 55'	MF, Educational Facility & Non-Residential: 90' SF, 2F & Townhouse: 40'	
MINIMUM OPEN SPACE RATIO	.30	.30	.30	.30	SF, 2F, MF - 3-40 Unit & Non-Residential: .20 MF - 41+ Unit & Educational Facility: .10 Townhouse: .30	
MAXIMUM LOT COVERAGE					60%	
MINIMUM YARD REQUIREMENTS						
FRONT YARD	None, to a maximum of 12'	None, to a maximum of 12'	Residential: 20' Non-Residential: 20'	Residential: 20' Non-Residential: None, to a maximum of 12'	20'	
INTERIOR SIDE YARD	None	None	SF, 2F & MF - 3-4 Unit: 3'	SF, 2F & MF - 3-4 Unit: 3' Townhouse & MF - 5+	SF, 2F & MF - 3-4 Unit: 3' MF - 5-16 Unit &	

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Bed and Breakfast – Guest Home			P	P	P	Section 20.3.G
Bed and Breakfast – Inn			P	P	P	Section 20.3.G
Bed and Breakfast – Historic Home			P	P	P	Section 20.3.G
Day Care Home, Adult or Child – Small			P	P	P	Section 20.3.P
Day Care Home, Adult or Child – Large			C	C	C	Section 20.3.P
Dwelling, Above the Ground Floor	C	C	P	P	P	
Dwelling, Single-Family			P	P	P	
Dwelling, Two-Family			P	P	P	
Dwelling, Multi-Family				C	P	
Group Home, Small			P	P	P	
Group Home, Large				C	P	Section 20.3.BB
Group Home, Congregate					C	Section 20.3.BB
Residential Care Facility For Elderly	C	C	P	P	P	Section 20.3.QQ
Timeshare/Transient Vacation Rentals					P	
INSTITUTIONAL USE						
Community Center	C	C	C	C	C	Section 20.3.L
Convent and Monastery	P	P	P	P	P	
Cultural Facility	C	C	C	C	C	
Educational Facility, Primary			C	C	C	Section 20.3.L
Educational Facility, Secondary			C	C	C	Section 20.3.R
Educational Facility, University				C	C	Section 20.3.R
Educational Facility, Vocational	C	C		C	C	Section 20.3.R
Government Offices	P	P	P	P	P	Section 20.3.R
Hospital					C	
Places of Worship	P	P	P	P	P	
Public Works and Safety Facility	C	C	C	C	C	Section 20.3.L

2 November 2011

Councilmember Susan G. Guidry - District A  
City Hall  
1300 Perdido Street - Room 2W80  
New Orleans, LA 70112

Re: 2011 Master Plan Amendment Applications  
Project #: PD5-1R

Dear Councilmember Guidry:

Thank you for placing a review item in the 2011 Master Plan Amendment Applications regarding property along Harrison Ave. between West End and Canal Blvds. to allow discussion on the Mixed-Use Low Density category for this area on the Future Land Use Map (FLUM). We hope that this item is given a fair and open evaluation and look forward to participating in that process.

To allow this process to proceed in an equitable manner without pressure on those personally involved on either side of this issue, we respectfully request that an Interim Zoning District (IZD) be created for the subject area to prohibit issuance of building permits for all uses, except residential, while the discussion is ongoing.

We expect consideration will be given to the few property owners who have purchased property in the area after October 2007 who may have intentions for a commercial use and the many property owners who own residential use property in and adjacent to the area.

We six signers below represent a larger group of Lakeview residents who have come forward who wish to protect and preserve this neighborhood's peaceful, quiet character that existed before Katrina and reestablish the stability that residential zoning previously provided. We appreciate your assistance in this matter.

Respectfully,

\_\_\_\_\_  
Chuck Hinnant

\_\_\_\_\_  
Kelly Easley

\_\_\_\_\_  
Jahnette deBlanc

\_\_\_\_\_  
Steve Farrelly

\_\_\_\_\_  
Craig Condon

\_\_\_\_\_  
John Lyons

6342 Louisville St.  
New Orleans, LA 70124

# Excerpts from CPC - Design Review Log

As of November 6, 2011

S A M t c o a c n t e t u l h s a													
DR#	Applicant	Address	Zoning Docket	Zoning District	Review Type	Planner	Notes	CPC Action	Council Action	Date Received	Date Viewed	Date Signed-off	ENONAC ENONAC notified Release
Mar X X 086-11	Pearl Restaurant	6300 Canal Blvd / Harrison Ave	N/A	LB-1	LCAD ?	Leila					04/14/11	N/A	N/A
Oct IP 173-11	Russell Civallo	607 Harrison Avenue	N/A	LB-1	LADC		site plan review	TBD	TBD	10/27/11		N/A	N/A

**Other Zoning Ordinances**  
(3 June 2011)

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The Code of Ordinances for Terrebonne Parish contains language to protect established residential neighborhoods when commercial activities will be in close proximity.

Sec. 28-48., (f) states: "**In order to facilitate the special need to preserve the sensitive neighborhood setting of the surrounding residential districts**, the C-6 zoning regulations **incorporate provisions which limit commercial rather stringently**; establish use limitations and design standards; control on-site signage; and, require limited aesthetic considerations in the design and development of individual building sites within those districts."

Sec. 28-48., (f), 2. states: "It is recognized that the commercial activities, which are permitted in this district, **will be in close proximity to established residential neighborhoods. It is mandatory** that the operation and performance of all uses in the C-6 [commercial] district **shall be subservient to and compatible with the peace and tranquility of a general residential environment**. In addition to **excluded uses** specified herein, no operations or activities shall be allowed in the C-6 [commercial] district **which disturb or annoy the residential inhabitants of the surrounding area**, including but not limited to:"

Jefferson Parish, Louisiana, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 40 - COMPREHENSIVE ZONING ORDINANCE >> ARTICLE XIX. - NEIGHBORHOOD COMMERCIAL DISTRICT C-1 >>

## ARTICLE XIX. - NEIGHBORHOOD COMMERCIAL DISTRICT C-1

Sec. 40-321. - Description.

Sec. 40-322. - Permitted uses.

Sec. 40-323. - Height regulations.

Sec. 40-324. - Area regulations.

Sec. 40-325. - Off-street parking and clear vision area requirements.

Sec. 40-326. - Loading zone requirements.

Secs. 40-327—40-340. - Reserved.

### Sec. 40-321. - Description.

This district is composed of certain lands and structures used primarily to provide for the retailing of goods and the furnishing of selected services. Regulations for the district are intended to permit and encourage full development of the necessary commercial uses while at the same time protecting nearby residential areas from possible adverse effects of the commercial activity. It is expected that future commercial uses requiring this district classification will occur as planned compact shopping centers located in proximity to the residential areas to be served. At such time as development of presently undeveloped areas of the parish warrants the provision of additional commercial facilities, the planning director and the planning advisory board will evaluate applications for such neighborhood commercial districts on the basis of the requirements described below. Upon finding by the planning director and the planning advisory board that an area is suitable for and in need of a neighborhood commercial district, the area may be zoned, provided, however, that a time limit may be placed on the zoning action to insure that development of the commercial structure will be carried out within a reasonable time. This limitation is important since a distinguishing feature of the district is the necessity for the actual development to provide the surrounding residential area with the commercial facilities and services essential to stable neighborhoods. In no case will the neighborhood commercial district exceed a maximum area of ten (10) acres. Conditions of fact to be determined by the planning director and the planning advisory board as a basis for neighborhood commercial C-1 classification.

- (1) That the neighborhood commercial district as proposed will not adversely affect the abutting residential areas.
- (2) That the site development plan of the neighborhood commercial district provides for adequate vehicular and pedestrian access and circulation, and that the resulting concentration of traffic will not present problems of safety or impede normal traffic movement on adjacent streets.
- (3) That the need for such neighborhood commercial district is justified on the basis of facts submitted by the applicant, which clearly indicate that a present or potential market exists for the facilities and services proposed, and that existing zoned neighborhood commercial districts cannot adequately satisfy these needs.

(Ord. No. 20783, § 3(XIII(1)), 9-22-99)

### Sec. 40-322. - Permitted uses.

In C-1 districts only the following uses of property shall be permitted:

- (1) Any existing stand-alone single-family, two-family, three-family, or four-family dwelling shall be recognized as a conforming use; however, the existing stand alone single-, two-, three-, or four-family dwelling cannot be restored if it is destroyed beyond seventy-five (75) percent or more of its value.
- (2) A residential dwelling shall be permitted in the main structure containing non-residential uses permitted in this district provided the following criteria are met:
  - a. Separate ingresses and egresses shall be provided for the residential dwelling and the non-residential use.
  - b.

Drive, Tolmas Drive, and Ridgelake Drive, on the west by North Hullen Street, and Division Street, and on the south by West Napoleon Avenue.

- (6) *Frontage.* In a multi-frontage development site, for purposes of this section and in accordance with the relevant provisions in this section, any frontage that permits a height greater than the maximum height allowed by right shall qualify the building(s) on that site to be of a height greater than the maximum height allowed by right. Notwithstanding any other provisions in this Code regarding required yards for corner lots and through lots, the only required front yard for all other purposes related to such a development site shall be located on the frontage that permits a height that exceeds the maximum height allowed by right.
- (7) *Access.* Primary access to the development site shall be provided only from a collector street, or a major, or minor arterial; however, secondary access from a local street or neighborhood collector shall be permitted if the access point is not located across from the following one-, two-, three-, or four-family residential zoning districts: Suburban District (S1), Single-Family Residential District (R1A), Suburban Residential District (R1B), Rural Residential District (R1C), Rural Residential District (R1D), Manufactured Home District (R1MH), Two-Family Residential District (R2), Three- and Four-Family Residential District (RR3), Townhouses (R1TH), and is located within two hundred (200) feet of the street providing primary access to the development site, measured in a straight line from the lot line at the primary street frontage, along the lot line where the secondary access is proposed. Exempt from this requirement are those properties located in the area identified in Figure ES-1 of the Metairie CBD Land Use and Transportation Plan as adopted by Ordinance No. 21987 on September 17, 2003 and also identified as the area bounded on the north by west Esplanade Avenue and the Lake Pontchartrain lakefront, on the east by Metairie Lawn Drive, Tolmas Drive, and Ridgelake Drive, on the west by North Hullen Street, and Division Street, and on the south by West Napoleon Avenue.
- (8) *Traffic impact analysis and adequate public facilities.* To ensure adequate transportation access and to minimize impacts on the transportation network, the applicant shall provide to the parish: 1) a traffic impact analysis for any development comprised of thirty (30) or more units or any development that meets the threshold requirements in accordance with parish policy in effect at the time of application; and 2) any improvements reasonably necessary to meet the needs of the development which are clearly and substantially related to the development. The parish shall be the final arbiter of which improvements are reasonably necessary to meet the needs of the development. The development shall not be approved unless and until adequate transportation facilities exist or provision has been made for essential transportation facilities as determined by the parish.
- (9) *Public works impact analysis and adequate public facilities.* To ensure adequate public infrastructure and to minimize impacts on the public works systems, the applicant shall provide to the parish a public works impact analysis for the development and shall provide any improvements reasonably necessary to meet the needs of the development which are clearly and substantially related to the development. The parish shall be the final arbiter of which improvements are reasonably necessary to meet the needs of the development. The development shall not be approved unless and until adequate public facilities exist or provision has been made for the following essential public facilities, in accordance with the threshold or service level requirements of parish policy in effect at the time of application: water, sewerage, drainage, streets, fire protection and any other provisions for public facilities as determined by the parish.
- (10) *Levee impact.* Federal, state, and parish agencies regulate the type and location of improvements for flood and hurricane protection and work within various distances from the river, lakes, levees, and floodwalls in the parish. To avoid adverse impacts on the flood and hurricane protection systems and to ensure continuous and uninterrupted access for maintenance and monitoring, the applicant shall obtain all permits or other types of authorizations required by the U.S. Army Corps of Engineers ("the Corps"), the appropriate state agencies including the appropriate Levee District(s), and Jefferson Parish in accordance with the regulations of these agencies for any project proposed within the areas regulated by such agencies.
- (11) *Landscaping.*
  - a. All yards shall be landscaped in accordance with the requirements of Article XXV, Mixed-Use Corridor District, section 40-446, ~~Landscaping and buffer standards. For required yards abutting the following one-, two-, three-, or four-family residential zoning districts: Suburban District (S1), Single-Family Residential District (R1A), Suburban Residential District (R1B), Rural Residential District (R1C), Rural Residential District (R1D), Manufactured Home District (R1MH), Two-Family Residential District (R2), Three- and Four-Family Residential District (RR3), Townhouses (R1TH), the entire twenty (20) feet of yard abutting such zoning districts shall be landscaped in a manner consistent with the MUCD landscaping for the perimeter of lots adjacent to public rights-of-way.~~



- a. All buildings shall be a minimum of ten (10) feet from the rear lot line, lease line, or designated development site boundary. On the rear of a lot abutting any of the following 1-, 2-, 3-, or 4-family residential zoning districts: Suburban District (S1), Single-Family Residential District (R1A), Suburban Residential District (R1B), Rural Residential District (R1C), Rural Residential District (R1D), Manufactured Home District (R1MH), Two-Family Residential District (R2), Three- and Four-Family Residential District (RR3), Townhouses (R1TH), or on the side of a non-residential structure adjacent to a stand alone 1-, 2-, 3-, or 4-family residential structure, there shall be a side yard having a minimum depth of twenty (20) feet.
- (c) *Lot area.*
  - (1) For mixed use developments comprised of separate multiple-family residential structures and other permitted uses in the Mixed Use Corridor District, the area of the lot or designated development site occupied by multiple-family dwellings shall contain a minimum of eight hundred (800) square feet per family.
  - (2) When a lot is improved for a residential use, or when living facilities are erected above or in connection with other uses in the same structure, the lot area per family regulation shall be the same as those in the R-3, Multiple-Family Residential District.
  - (3) Lot area per family regulations shall not apply to dormitory buildings, or fraternity or sorority houses not having culinary facilities.
- (d) *Site area requirements.*
  - (1) All development sites with multiple-family residential structures shall be a minimum of five (5) acres and have a minimum width of two hundred (200) feet and a minimum depth of five hundred (500) feet.
  - (2) For all other developments in the Mixed Use Corridor District, minimum site area shall be ten thousand (10,000) square feet and have a minimum width of seventy-five (75) feet and a minimum depth of one hundred (100) feet. When two (2) or more adjoining lots comprise a MUCD development site, such lots shall be resubdivided into one (1) lot of record, except as provided for in section 40-442, (a) Definitions: Group Development and (d) Group Development and Outparcels.

(Ord. No. 20783, § 3(XIII-F(4)), 9-22-99; Ord. No. 21388, § 2, 9-26-01; Ord. No. 22010, § 9, 10-8-03; Ord. No. 22011, § 1, 10-8-03; Ord. No. 22794, § 11, 7-19-06; Ord. No. 23663, § 1, 10-14-09)

#### **Sec. 40-445. - Parking requirements.**

- (a) Parking space requirements are listed in Article XXXV, Off-Street Parking, Loading, and Clear Vision Area Regulations in the Zoning Ordinance.
- (b) Additionally, said parking spaces shall be oriented so that no vehicle is required to back directly into a street right-of-way.

(Ord. No. 20783, § 3(XIII-F(5)), 9-22-99; Ord. No. 22794, § 11, 7-19-06; Ord. No. 23330, § XXIV, 6-11-08)

#### **Sec. 40-446. - Landscape and buffer standards.**

- (a) *General landscape and buffer requirements.* Landscaping requirements in this section are minimum standards and applicable to areas used for the parking of four (4) or more vehicles to traverse back and forth to parking spaces, service bays, and loading/unloading areas. ~~The landscaping requirements shall provide effective buffering for all vehicular use areas, including service bays, from residential development and from street view and shall serve to guide traffic. The landscaping requirements for developments that include separate multiple-family residential structures developed and integrated with other permitted uses shall be applied separately to the residential portion and the non-residential portion of the development site. Developers shall be encouraged to incorporate waterscapes, fountains, clock towers and other architectural features with landscaping to add to aesthetics and visual attraction.~~

- (1) *Interior of lot.*
  - a. Interior lot landscaping shall be provided by landscaped islands or medians within the vehicular area and shall be installed to guide traffic and separate pedestrian walkways from vehicular traffic.
    - 1. One (1) such landscaped island or median shall be placed for every twelve (12) parking spaces and shall be a minimum of sixty (60) square feet in area. Landscaped islands may be grouped or combined to meet interior landscape requirements provided the total square footage of any single grouping does not exceed one hundred twenty (120) square feet.
    - 2. The landscaped island or median shall consist of a minimum of one (1) tree and surfaced with shrubs and ground cover or grass, and excluding paving.
- (2) *Perimeter of lot adjacent to abutting property.*

- a. On the perimeter(s) of the lot adjacent to abutting residential property, a continuous unbroken barrier is required for the purpose of buffering service bays, loading and unloading areas, and off-street parking or other vehicular use areas exposed to the abutting property. The barrier shall be located between the common lot line and the service bay, loading or unloading area, off-street parking or other vehicular use area, the MUCD physical structure, including support structures and the abutting property. The barrier shall be a minimum of seven (7) feet in height consisting of an opaque material such as a masonry or wood fence, an earth berm, an opaque hedge or any combination thereof. Additionally, a buffer strip consisting of a green area with a ten (10) foot minimum depth shall be provided to mitigate the effect of the Mixed Use Corridor District development on the abutting residential property. Additional buffer strip area may be required for developments greater than twenty-five thousand (25,000) square feet of building area. On the perimeter(s) of a lot adjacent to abutting non-residential property or use, a continuous unbroken buffer strip having a minimum width of five (5) feet shall be provided.
  - b. At a minimum, one (1) tree shall be provided every thirty-five (35) linear feet. Such trees shall be located or grouped within the required buffer strip between the common lot line and the service bay, loading and unloading area, off-street parking or other vehicular use area, the MUCD physical structure and the abutting property. Said buffer strip shall be landscaped with grass, shrubs, ground cover or other landscape material excluding paving, in addition to the required tree.
  - c. The provision of this subsection shall not apply in the following situations:
    1. When the proposed perimeter abuts an existing wall or durable landscape barrier on an abutting property, said existing barrier may be used to satisfy the landscape barrier requirement of this subsection, provided that said existing barrier meets all applicable standards set in this section. However, the buffer strip shall still be required.
    2. Lots existing prior to the adoption of this ordinance, as amended, having sub-standard lot width shall be required to landscape a minimum of ten (10) percent of the area of the lot.
- (3) *Perimeter of lot adjacent to public rights-of-way.*
- a. On the perimeter(s) of the lot adjacent to public rights-of-way, a strip of land at least five (5) feet in depth located between the right-of-way and the off-street parking or other vehicular use area shall be landscaped to include one (1) tree for each fifty (50) feet or fraction thereof. Such trees shall be located between the abutting right-of-way and the off-street parking or other vehicular use area and shall be planted singularly or grouped in a planting area of at least twenty-five (25) square feet. In addition, a hedge, wall, earth berm, or other durable landscape barrier a minimum of two (2) feet in height shall be placed along the perimeter of such landscape strip. If said barrier consists of nonliving material, one (1) vine or shrub shall be planted every ten (10) feet and abutting the barrier. The remainder of the required landscape strip shall be planted with grass, ground cover or other landscape material and shall exclude paving.
  - b. Variation in the size of front yard landscaping along the perimeter of rights-of-way shall be allowed provided the front bed maintains a minimum depth of ten (10) feet and extends greater in some areas, so that the average is twenty (20) feet.
- (4) *Development within the Mixed Use Corridor District.* Different land uses within the Mixed Use Corridor District shall be landscaped and buffered appropriately and in general compliance with the landscape and buffer standards set forth in this section.
- (5) *Visual clearance.*
- a. *Sight triangles.* In accordance with section 40-665, Clear vision area regulations, access way and street intersection sight triangles shall be maintained.
  - b. *Fences.* Fences shall be reduced to a maximum of three (3) feet in height within clear vision areas and required front yards, and for the purposes of this ordinance shall not be considered structures.
- (6) *Installation.* All landscaping shall be installed in an appropriate manner in order to maintain the health and quality of plant material. No certificate of use or occupancy shall be authorized unless all landscaping requirements are met.
- (7) *Protection of landscaped areas.* The placement of barrier curbs or wheel stops is required to protect all landscaped areas from vehicular damage.
- (8) *Maintenance.* It is the responsibility of the owner, tenant or their agent to provide the parish with a maintenance plan at the time of the application to ensure landscaped areas remain in an attractive, healthy condition and kept free from debris.
- (9) *Existing plant material.* Existing, healthy plant material on a site may be used as a credit toward fulfilling the landscaping requirements specified in this section.
- (10) *Tree survey and preservation.*

**Synopsis of July 10, 2007 CPC Hearing Minutes**  
(29 April 2011)

The City Planning Commission held a public hearing on July 10, 2007 in which a proposal was made by the Planning District Recovery Group to change the zoning from residential to commercial for three areas, below is a synopsis of the relevant discussions concerning **Polk St.**

- Martin Landrieu described the planning process, including the following comments:
  - There had been **some opposition** to expanding commercial districts proposals on Harrison Ave., Robert E. Lee Blvd. and Polk St.
  - These areas were chosen for commercial expansion **to envelope spot zones or non-conforming uses, provide for additional needed commercial space and spur development.**
- Opponent, Michael Lawrence:
  - Neighbors had no problem with the rest of the Lake Area proposal.
  - Polk Ave. is not a traditional business corridor.
  - Does not have the necessary **parking.**
  - There is **no need for additional business** corridors.
  - He does not want to have to worry about **living next to...(commercial uses).**
  - There is a group of **thirty residents against** the proposal.
- Opponent, Michael Hartenstein:
  - Opposes commercialization of Polk St. but supports the rest of Lake Area proposal.
  - Neighbors rebuilding was predicated on the belief that they were **returning to the same neighborhood.**
  - They are **not interested** in living there if it is **next to a commercial district.**
  - Neighborhood had been a wonderful place to live **without commercial zoning.**
  - He submitted a **petition with 52 names against** proposal.
  - Doesn't want the **parking or congestion...**
  - Proposal probably came about to **advance the financial interest of just a few people.**
- Opponent, Robert Rutha:
  - He did not come back to New Orleans to **live in a commercial area.**
  - Polk Ave. is not a traditional business corridor.
  - Does not have the necessary **parking.**
  - There is **no need for additional business** corridors.
  - He does not want to have to worry about **living next to...(commercial uses).**
  - There is a group of **thirty residents against** the proposal.
- Proponent, Martin Landrieu rebutted:
  - He said the **ideas came from a perspective of where commercial should be if you were starting from a blank slate.**

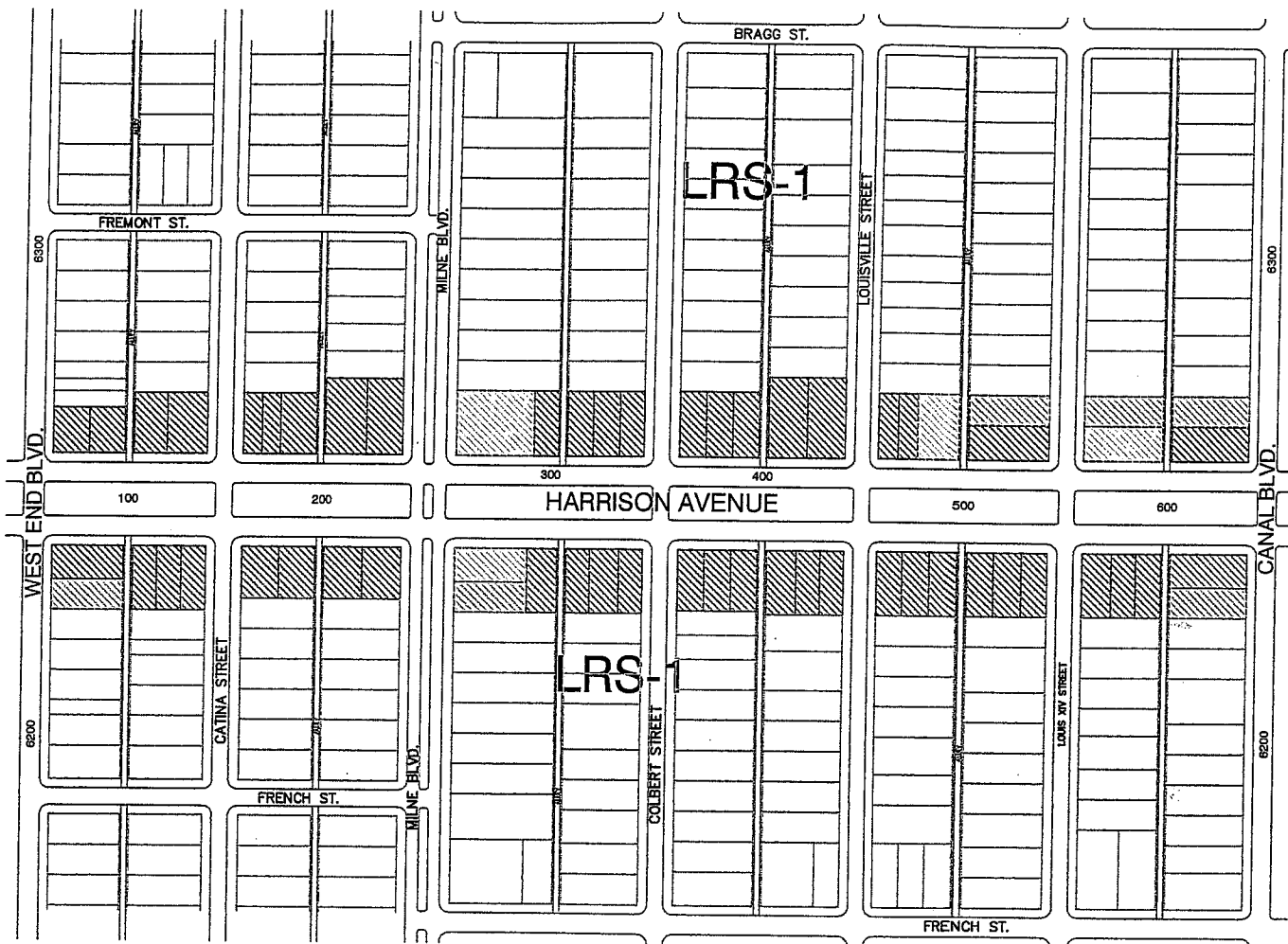
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## REASONS TO OPPOSE COMMERCIAL ZONING ON HARRISON AVE.

(September 2011)





Following are reasons opponents have cited for their opposition to the change of the zoning of property from residential to commercial:

1. It was always zoned residential.
2. The zoning was changed without my knowledge.
3. The zoning was changed after Katrina when I was not living in my home in Lakeview.
4. I do not want my neighborhood to become what Harrison Ave. east of Canal Blvd. has become - congested, traffic, overrun with parking, cars everywhere and no buffers or barriers between commercial and residential.
5. I want to preserve the residential character of my neighborhood.
6. I'd rather have another homeowner next door who shares my interest, than any kind of business who doesn't.
7. I want a homeowner as a neighbor rather than a business that can change at any time to another type business with a whole new set of negative impacts.
8. The increased traffic through the neighborhood will make it less safe for children to play outside.
9. All of the possible business uses allowed in commercial zoning do not meet the purpose of the zoning classification as written in the draft CZO.
10. There is no business I need badly enough to ask my neighbor(s) to leave.
11. Most of the properties on Harrison Ave. are not large enough to have a building and have adequate space to park all vehicles for a business.
12. Some of the land uses allowed in the commercial zoning are not "neighborhood" businesses; as they will draw customers from outside the neighborhood, i.e. restaurants.
13. We don't need another restaurant in residential areas of Lakeview. Why not have restaurants at West End Park? That site is large enough for numerous restaurants, has a large parking area that all can share and has a view of the lake.
14. New commercial should not displace established, pre-existing residential areas.
15. New commercial should go where it won't negatively impact existing residential area.
16. New commercial should go where there is sufficient infrastructure.
17. Changing established residential property to commercial destabilizes the area: residential properties that abuts new commercial will lose value; residential properties that are changed to commercial will increase in value; homeowners on newly zoned commercial property will have pressure to sell out by higher land values.
18. Differing yard requirements for commercial and residential property will create an unattractive jack-o-lantern street façade.
19. Most of the properties on Harrison Ave. are too small to have buffer yards wide enough to act as a true buffer.
20. Inserting new commercial zoning in an established neighborhood is very different from putting commercial zoning next to residential in a new subdivision. In the former, it should only be done with all due respect for the existing residential property owners. In the latter, prospective residents know beforehand how close commercial will be.
21. When the property along Harrison Ave. was changed to commercial, there was no pressure to change the zoning. Only three of the sixty properties had commercial uses.
22. Many public comments and planning principles in the several planning studies prepared over the last twenty years do not support changing established residential zoned property to commercial; except in unique circumstances which were not present in Lakeview.



2010 FUTURE LAND USE MAP CLASSIFIES ALL PROPERTY BORDERING ON HARRISON AVE. MIXED-USE LOW DENSITY AND ALL OTHER PROPERTY RESIDENTIAL SINGLE FAMILY

NOTE: ALL HATCHED PROPERTY ARE ZONED LB-1 COMMERCIAL ON CURRENT ZONING MAP (60 PROPERTIES)

-  PROPERTY CLASSIFIED RESIDENTIAL SINGLE FAMILY ON FUTURE LAND USE MAP (6 PROPERTIES)
-  PROPERTY WITH COMMERCIAL USE PRIOR TO ZONING CHANGE IN 2007 (4 PROPERTIES)
-  RESIDENTIAL USE, UTILITY USE OR UNOCCUPIED (49 PROPERTIES)
-  NEW COMMERCIAL USE SINCE 2007 (1 PROPERTY)

# NEIGHBORHOOD MAP

CANAL BLVD. TO WEST END BLVD.



## PREVIOUS ZONING MAP

### HARRISON AVENUE

Canal Blvd. to West End Blvd.



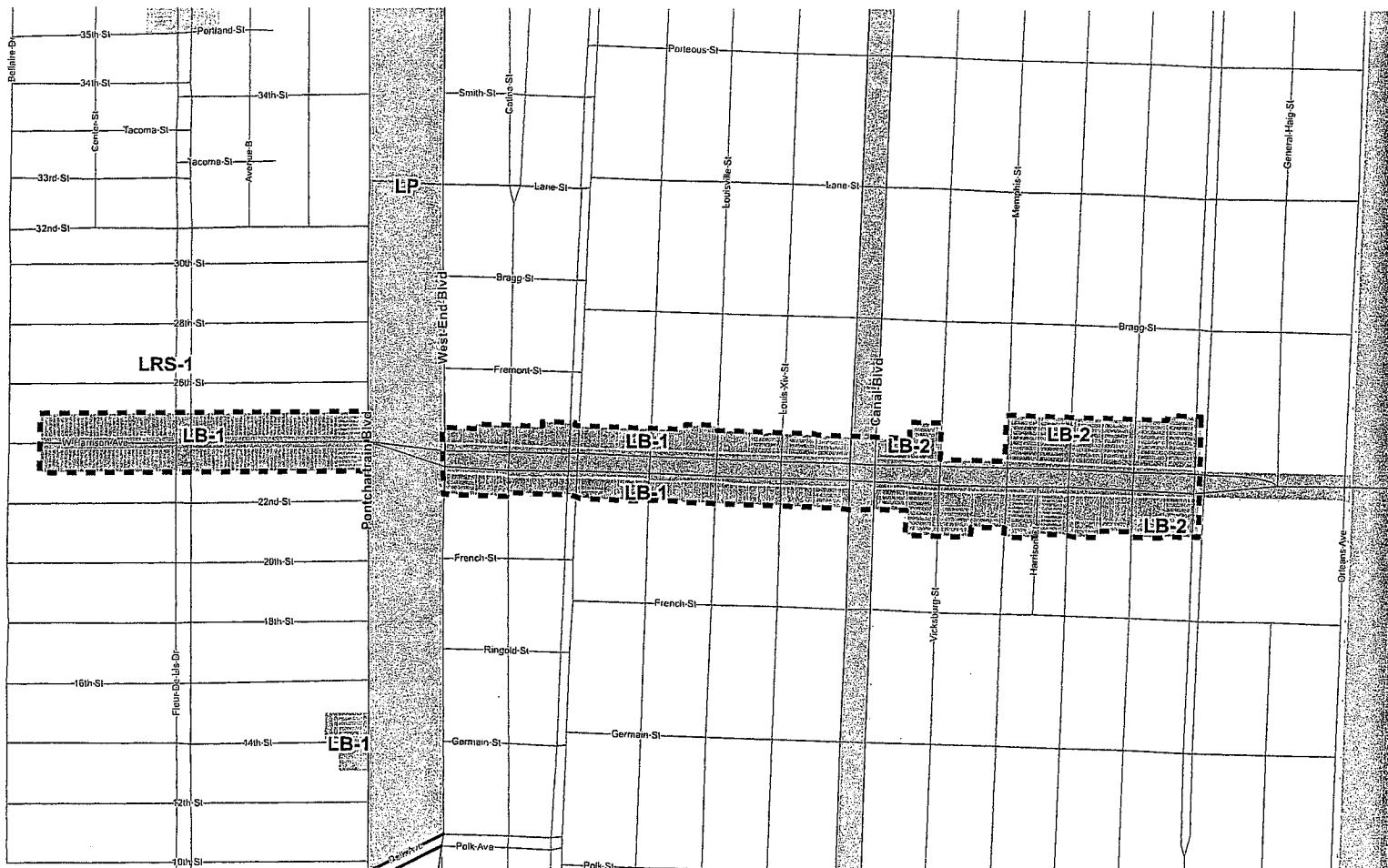
#### Comments

1. There was **only one zoning classification** for all property in this neighborhood, **RD-2 Two Family Residential**.
2. There were **never more than four non-conforming commercial uses** in this neighborhood. **One ceased operation** before Katrina which should have changed to RD-2 by ordinance.

# CURRENT ZONING MAP

## HARRISON AVENUE

Canal Blvd. to West End Blvd.



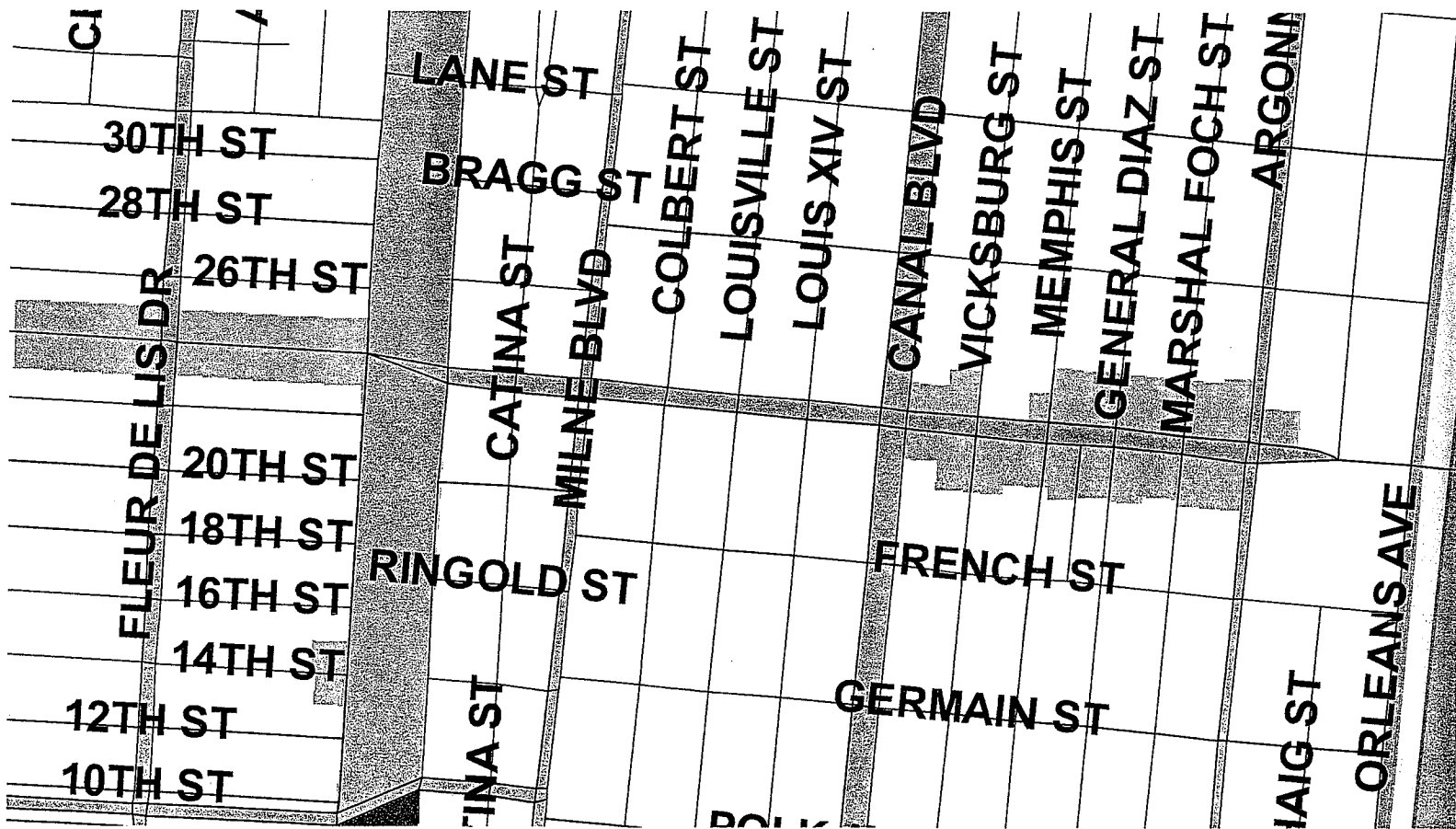
### Comments

1. Since the 2007 zoning change, **only one** previously residential zoned property has changed to commercial use.
2. There were **no buffers or barriers** provided between the newly rezoned Commercial properties and the remaining Residential properties. **This leaves many neighborhood residential properties with no protection from the effects of the commercial activities.**

# FUTURE LAND USE MAP

HARRISON AVENUE

Canal Blvd. to West End Blvd.



## Comments

1. The Future Land Use Map (adopted in 2010) placed the subject properties in a **Mixed-Use Low Density** category and the surrounding properties in a **Residential Single-Family Post-War** category.
2. Six commercial zoned properties which do not border Harrison Ave. were placed in the residential category which is a change from the Current Zoning Map.



# NEIGHBORHOOD PETITION MAP

CANAL BLVD. TO WEST END BLVD.  
AS OF 5/11/2011

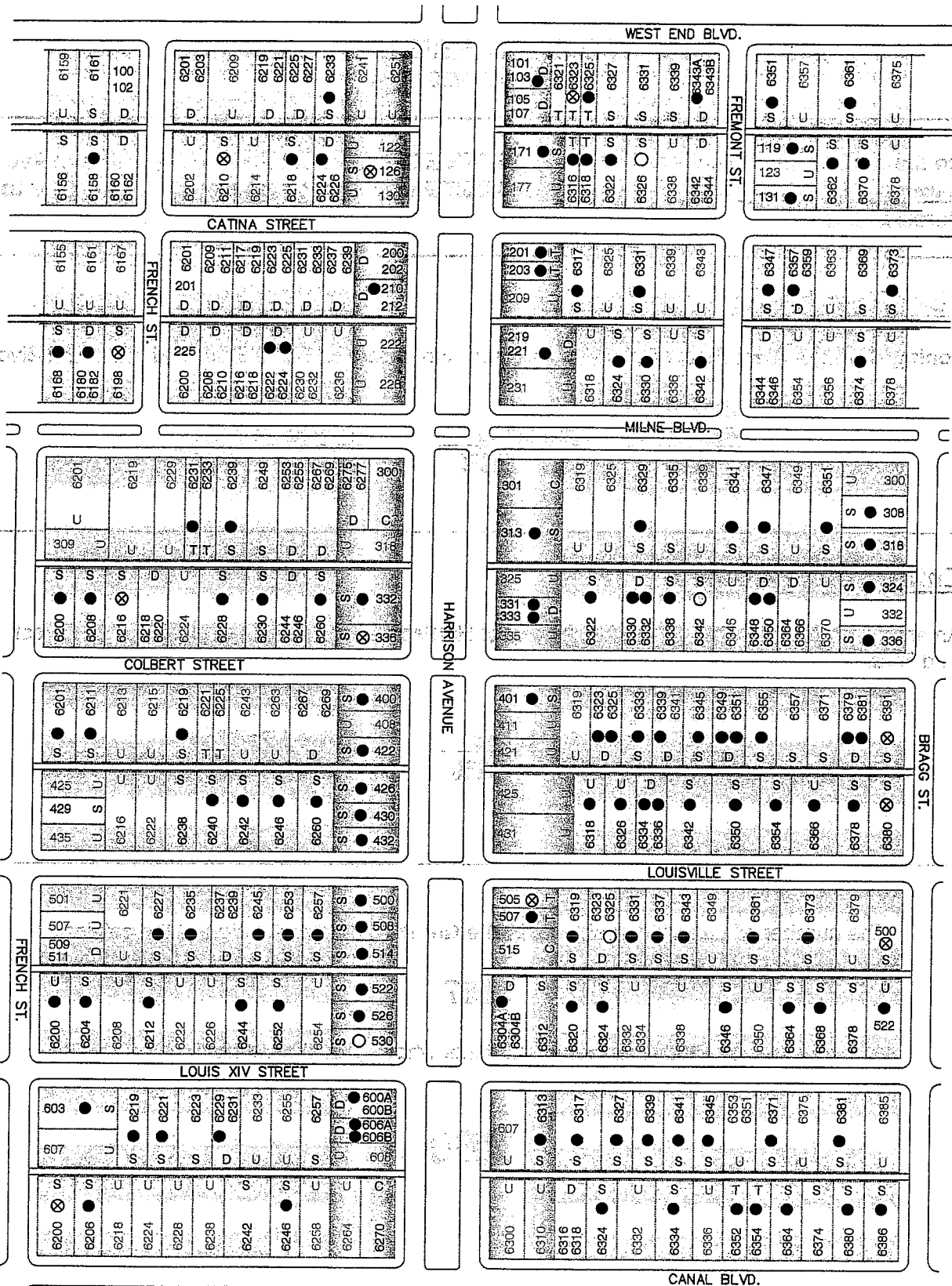


## LEGEND

- S SINGLE FAMILY
- D DOUBLE
- U UNOCCUPIED
- T TOWNHOUSE
- C COMMERCIAL
- LB-1 COMMERCIAL
- LRS-1 RESIDENTIAL

## PETITION OPINION (RETURN ZONING TO RESIDENTIAL)

- YES
- ⊗ NO
- UNDECIDED



## Other Factors

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### Established Residential Neighborhoods

A long established residential neighborhood should be granted special consideration to be able to preserve itself against changes unless a high percentage of residents request it.

To make changes in or around such a neighborhood should only be done with the residents' approval and improved with barriers, buffers and zoning restrictions so that the environment in the established neighborhood would not be damaged.

The Code of Ordinances for Terrebonne Parish contains language to protect established residential neighborhoods when commercial activities will be in close proximity.

Sec. 28-48., (f): **"In order to facilitate the special need to preserve the sensitive neighborhood setting of the surrounding residential districts, the C-6 [commercial] zoning regulations incorporate provisions which limit commercial rather stringently; establish use limitations and design standards; control on-site signage; and, require limited aesthetic considerations in the design and development of individual building sites within those districts."**

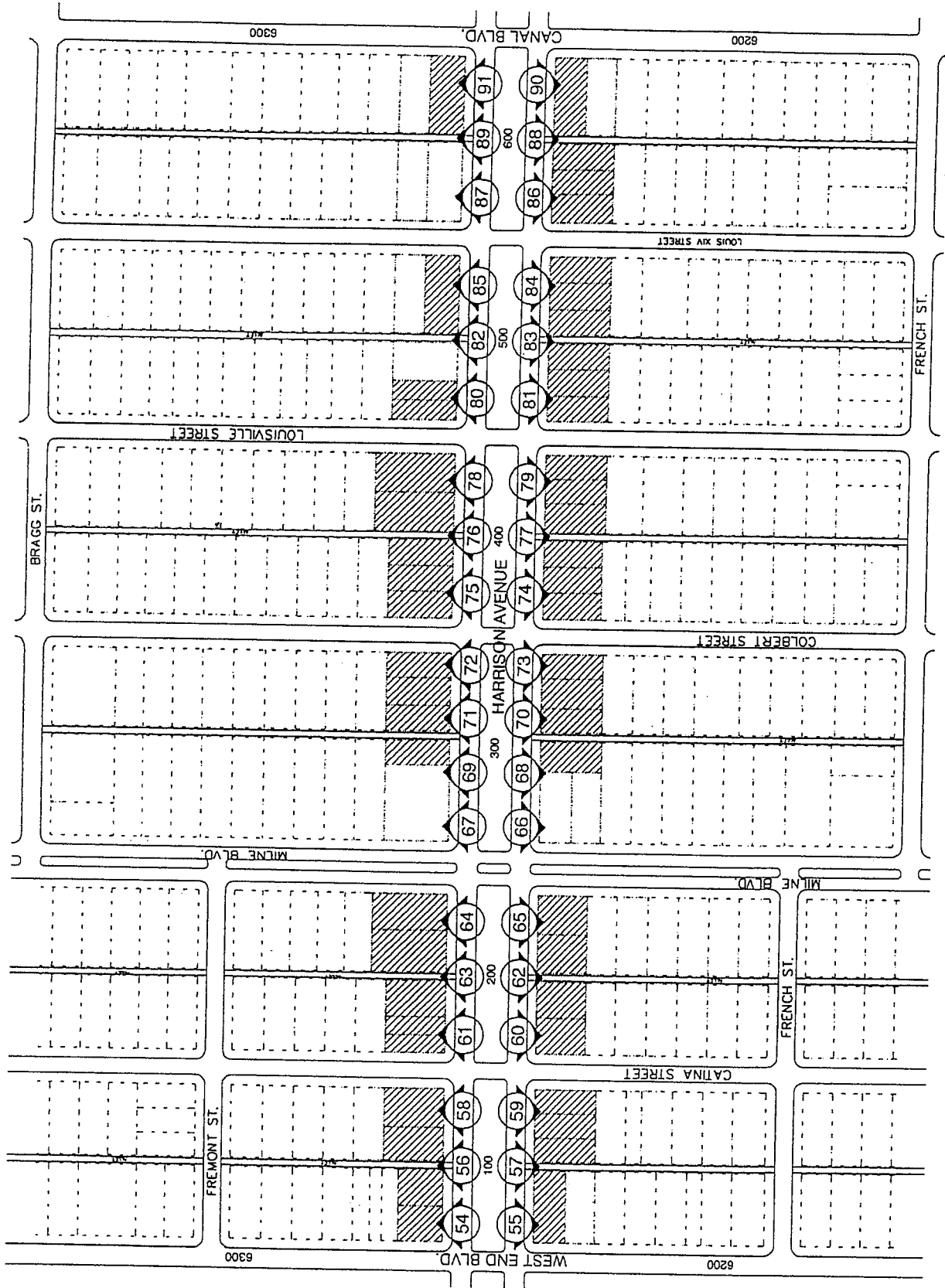
Sec. 28-48., (f), 2: **"It is recognized that the commercial activities, which are permitted in this district, will be in close proximity to established residential neighborhoods. It is mandatory that the operation and performance of all uses in the C-6 [commercial] district shall be subservient to and compatible with the peace and tranquility of a general residential environment. In addition to excluded uses specified herein, no operations or activities shall be allowed in the C-6 [commercial] district which disturb or annoy the residential inhabitants of the surrounding area, including but not limited to:..."**

### Initial Reasoning

Previous Councilmember Shelley Midura argued for the zoning change. Following are a few paragraphs from a September 28, 2007 Times Picayune Newspaper article by Mr. Bruce Egger, staff writer.

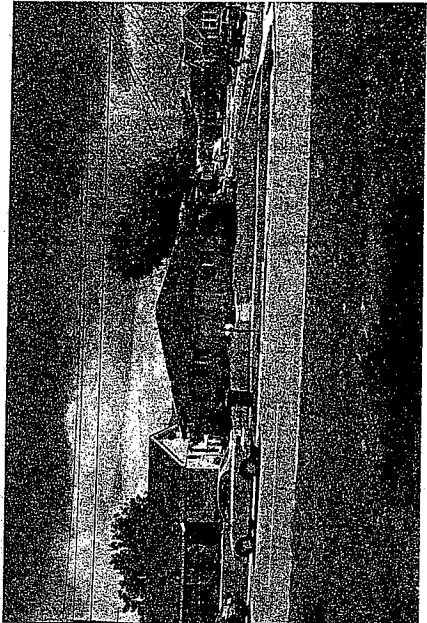
Despite opponents' complaints that the rezoning would cause parking problems and hurt property values and residents' quality of life, Councilwoman **Shelley Midura**, whose district includes the affected neighborhoods, supported the change.

She said the two affected streets already have **many commercial uses**, even in some of the blocks zoned for residential use. Believing that **commercial pressures** will increase as the years pass, Midura said it **made sense to provide more legal places for businesses to open**, rather than have them spill over onto streets that are purely residential.



# PHOTO KEY MAP

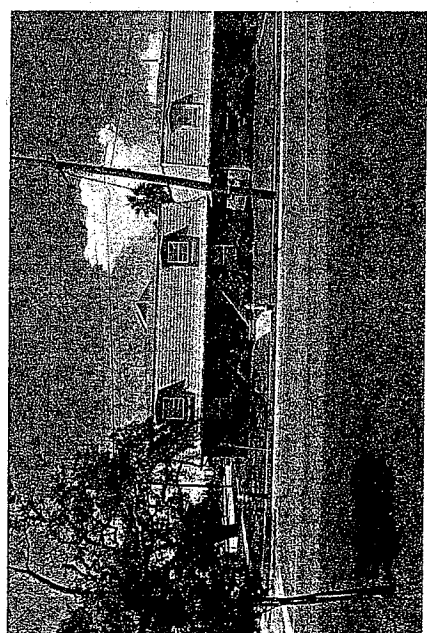
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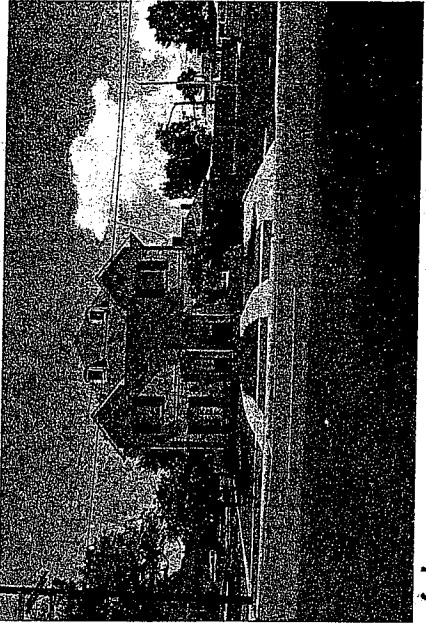
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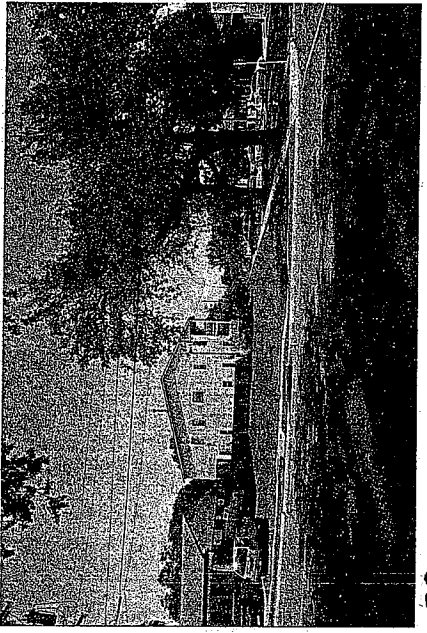
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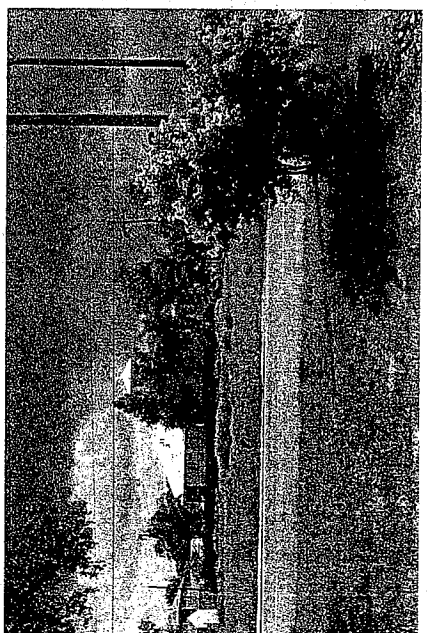
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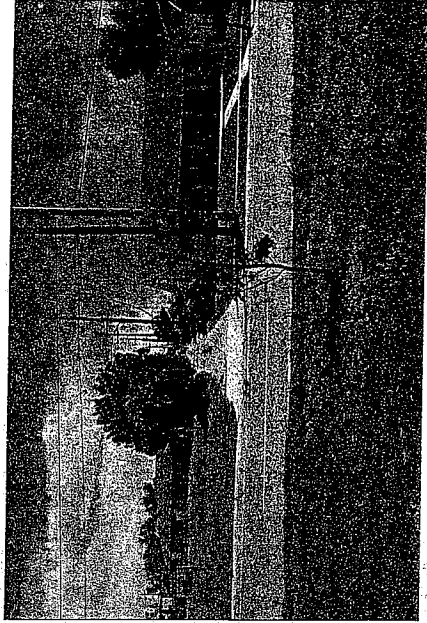
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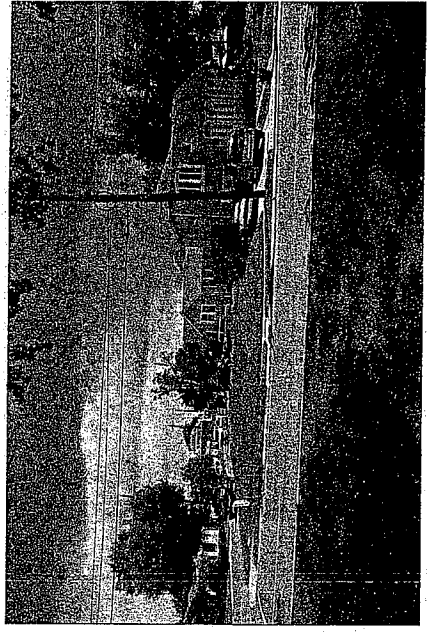
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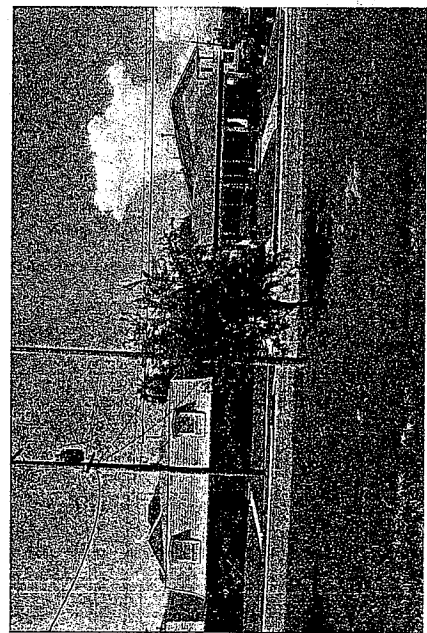
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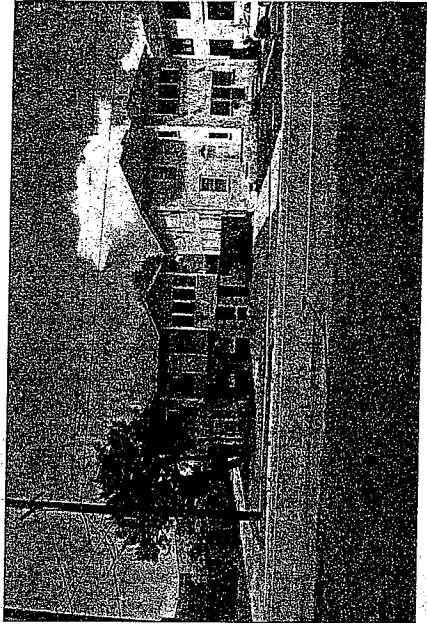


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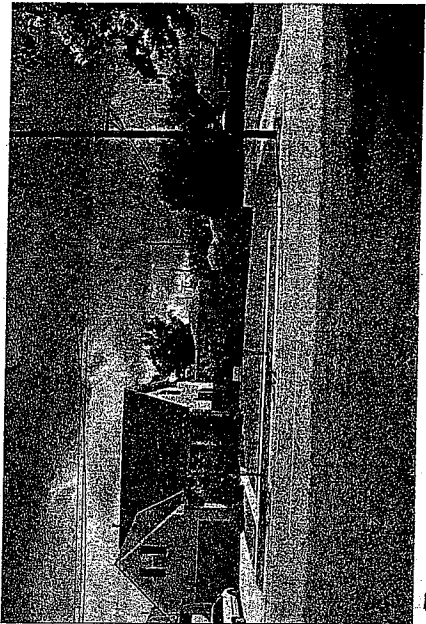


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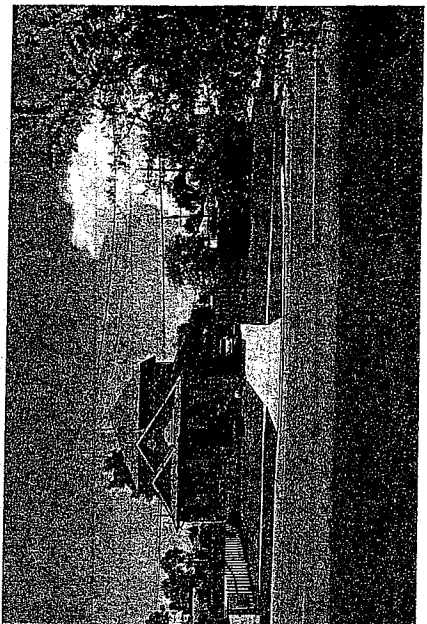




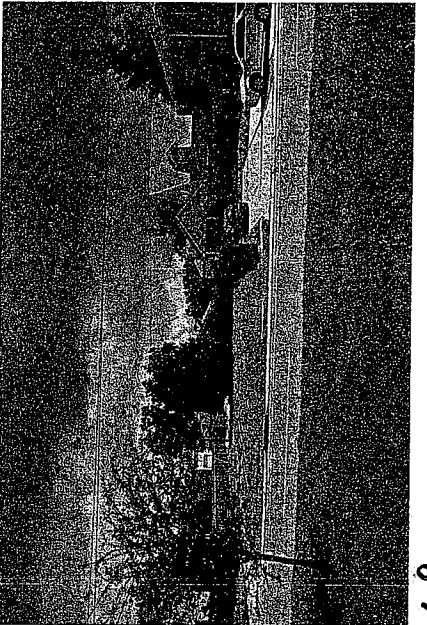
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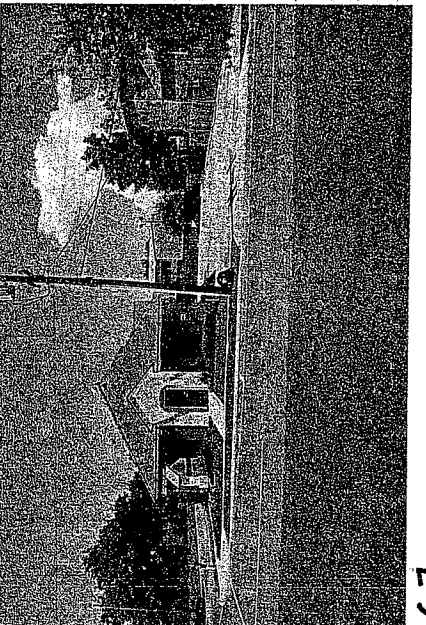
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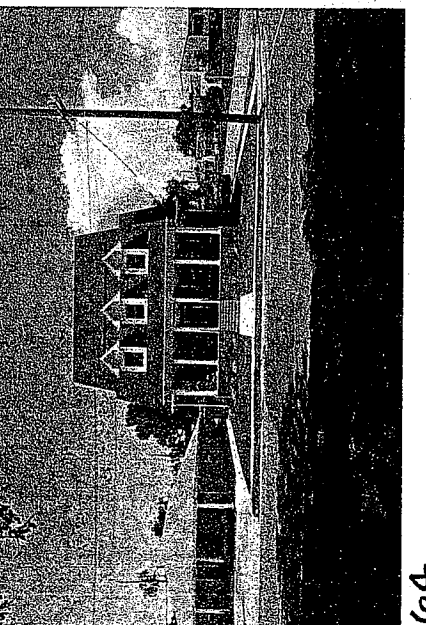
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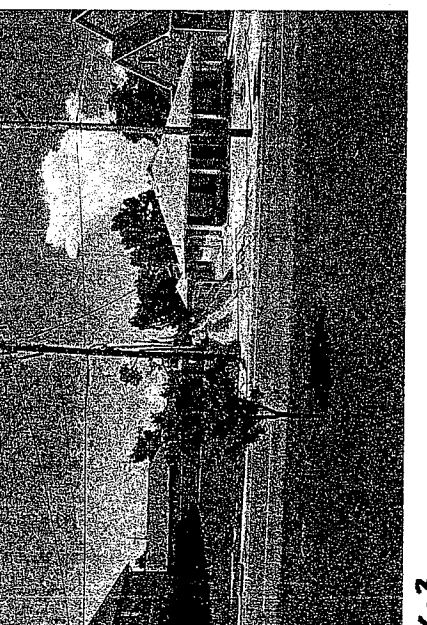
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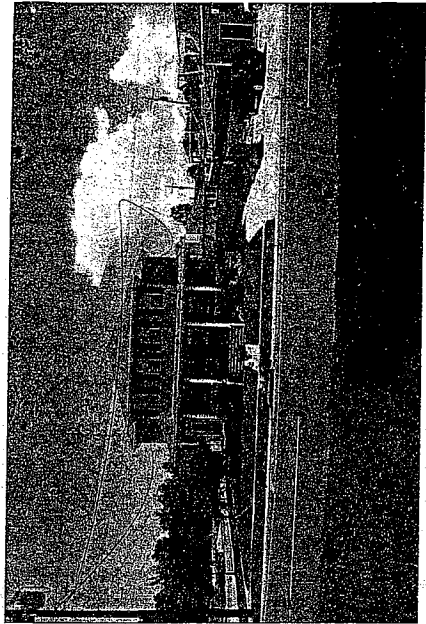
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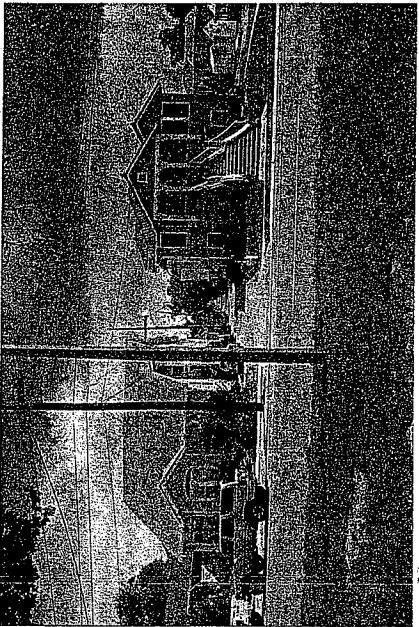
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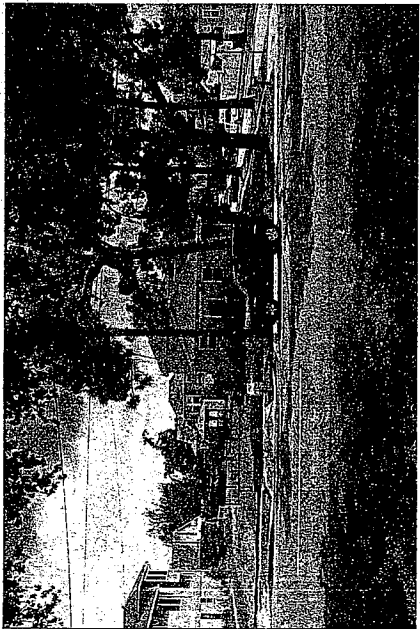
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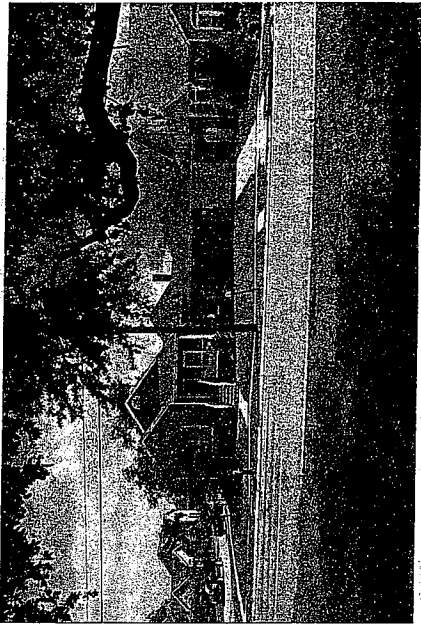
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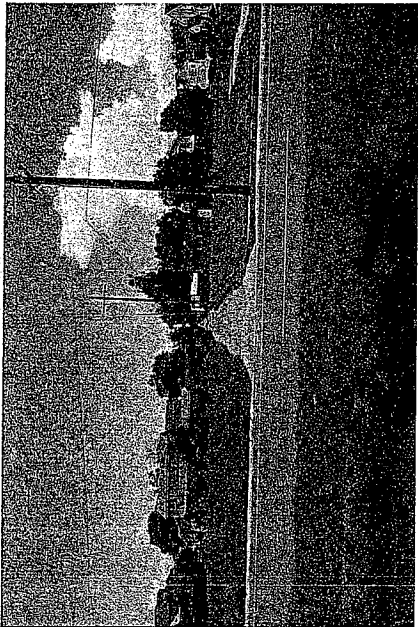
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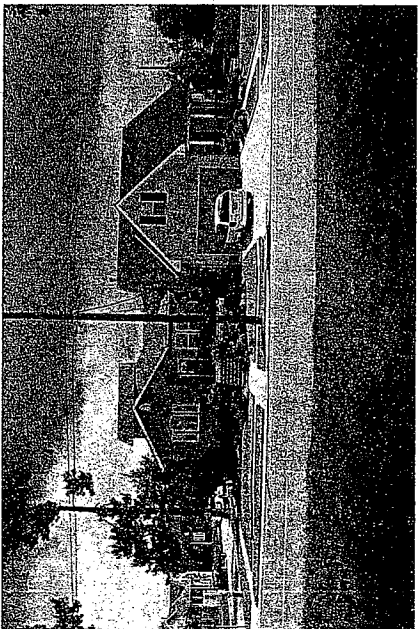
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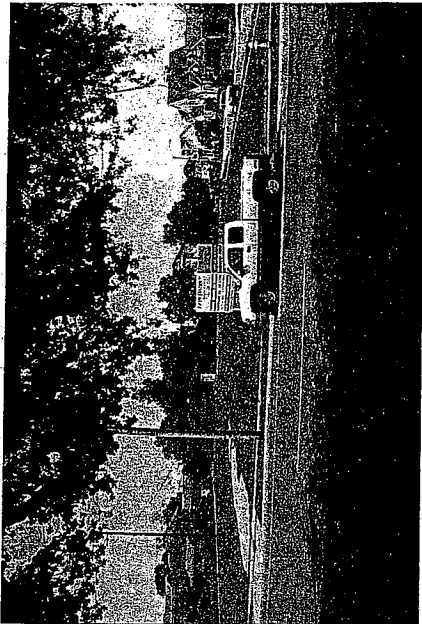
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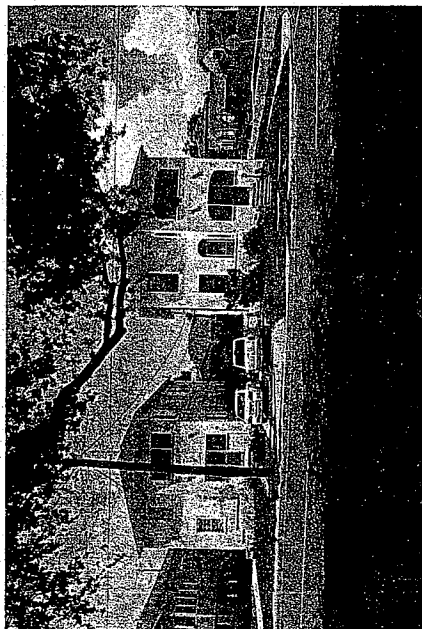
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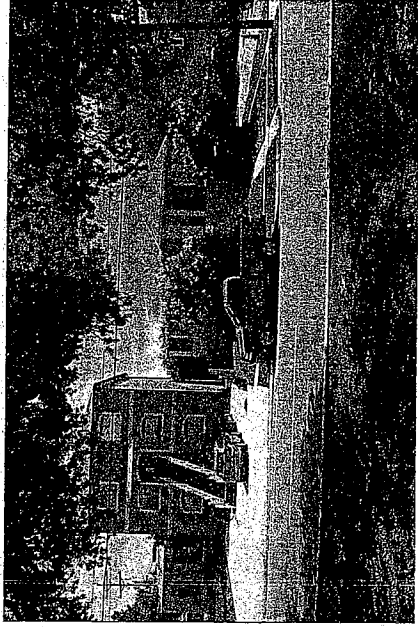


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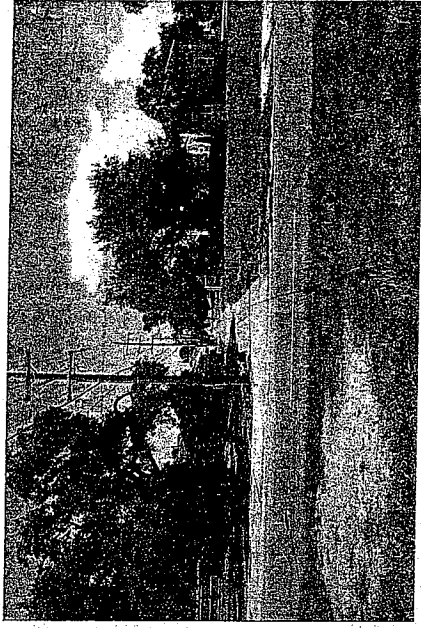




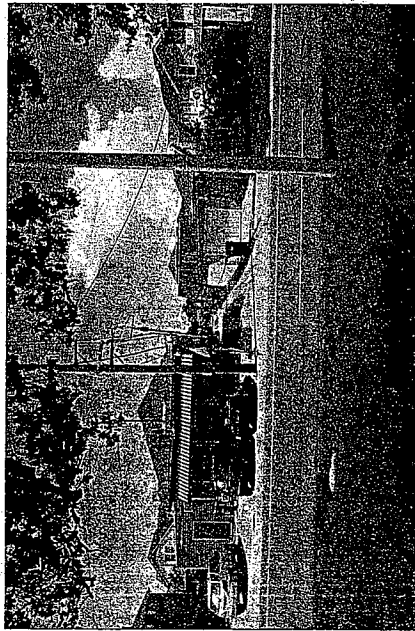
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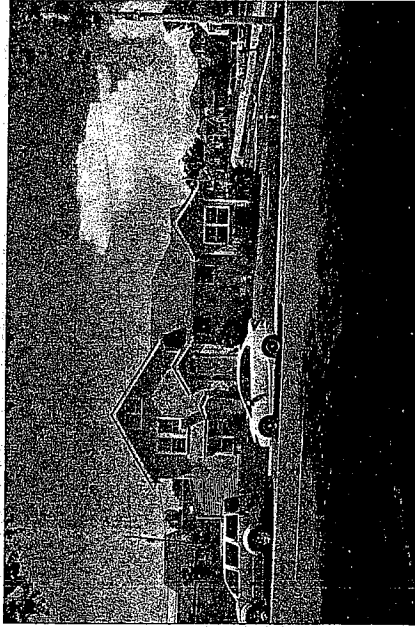
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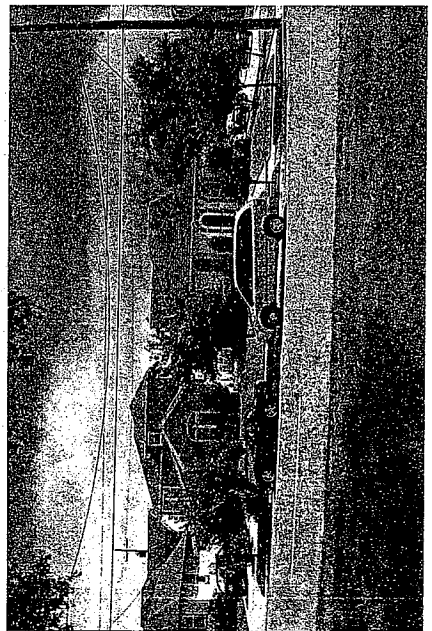
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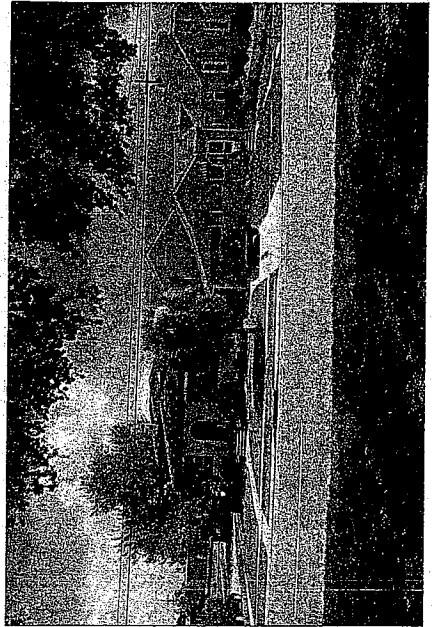
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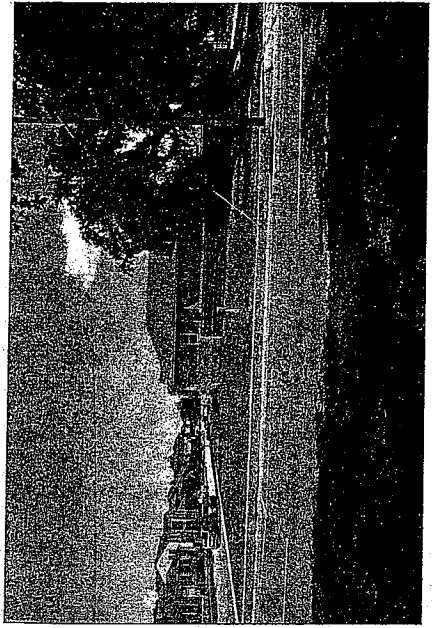
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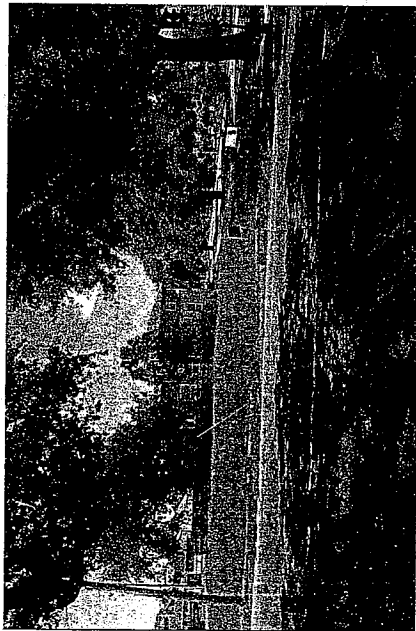
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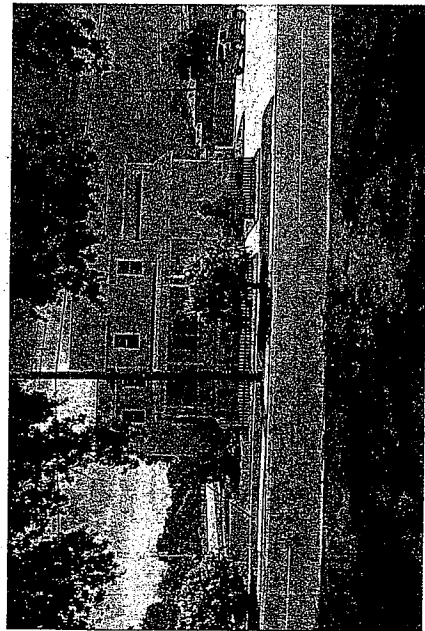
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PD5-1R

You replied on 10/25/2011 4:35 PM.

**CPCinfo**

**From:** Donna Freeman [dfreeman14@gmail.com]

**Sent:** Tue 10/25/2011 4:29 PM

**To:** CPCinfo

**Cc:**

**Subject:** Amendment # PD5-1R Dist 5 Lakeview

**Attachments:**

To Whom It May Concern:

I support changing the Mixed-Use Low Density categorized property on the Future Land Use Map (FLUM) along Harrison Ave. Between West End and Canal Blvds. to Residential Single-Family Post-War, the same category as the adjacent neighborhood.

Regards,

Donna Freeman

6346 Louis XIV Street

New Orleans, LA 70124

**Paul Cramer**

PD5-1.R

**From:** Bob Hoover [behoover@cox.net]  
**Sent:** Tuesday, January 10, 2012 5:48 PM  
**To:** Paul Cramer  
**Subject:** Re: Master Plan Amendments CPC Public Hearing Agenda

I support changing the "Mixed Use Low Density" categorized property on the "Future Land Use Map(FLUM)" along Harrison Ave. between West End and Canal Blvd to "Residential Single Family Post War", the same category as the adjacent residential properties.

Bob Hoover  
 6242 Canal Blvd  
 New Orleans, La 70124

504-818-0102

----- Original Message -----

**From:** Paul Cramer  
**To:** Paul Cramer  
**Sent:** Tuesday, January 10, 2012 9:03 AM  
**Subject:** Master Plan Amendments CPC Public Hearing Agenda

**CITY PLANNING COMMISSION  
 MASTER PLAN AMENDMENT PROPOSALS PUBLIC HEARING AGENDA  
 TUESDAY, JANUARY 10, 2012  
 6:00 P.M. CITY COUNCIL CHAMBER (CITY HALL 1E07)**

**IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE V OF THE HOME RULE CHARTER OF THE CITY OF NEW ORLEANS, THE CITY PLANNING COMMISSION WILL HOLD PUBLIC HEARINGS TO SOLICIT THE OPINIONS OF CITIZENS RELATIVE TO PROPOSED AMENDMENTS TO THE CITY'S "PLAN FOR THE 21<sup>ST</sup> CENTURY" ALSO KNOWN AS THE MASTER PLAN.**

1. Text Amendment proposals # 1 – 19
2. Planning District 1 Future Land Use Map change proposals
3. Planning District 2 Future Land Use Map change proposals
4. Planning District 3 Future Land Use Map change proposals
5. Planning District 4 Future Land Use Map change proposals
6. Planning District 5 Future Land Use Map change proposals
7. Planning District 6 Future Land Use Map change proposals
8. Planning District 7 Future Land Use Map change proposals
9. Planning District 8 Future Land Use Map change proposals
10. Planning District 9 Future Land Use Map change proposals

PD 5-1R

**CPCinfo**

---

**From:** Pitcher, Pamela (NOLA) [Pamela.Pitcher@va.gov]  
**To:** CPCinfo  
**Cc:**  
**Subject:** CZO Draft  
**Attachments:**

**Sent:** Wed 1/11/2012 2:29 PM

Dear Sir/Madam,

I would like to register to get notifications for CPC meetings. I attended last night 1/10/12.

I am against the further commercialization of Harrison Ave. between West end and Canal Blvd.

I live at 507 Harrison Ave.

[ppitcher@cox.net](mailto:ppitcher@cox.net)

504-343-9567

Thank you.

*Pamela M. Pitcher, MPH*

Southeast Louisiana Veterans Health Care System

OEF/OIF/OND Program

Outreach and Education Coordinator

office # 504-566-8487

fax # 504-566-8454

[pamela.pitcher@va.gov](mailto:pamela.pitcher@va.gov)



Now is the time to show your support  
for the neighborhood effort to stop the commercialization of

## Harrison Avenue between West End and Canal Blvd.

Your attendance is needed at the

### City Planning Commission Master Plan Public Meeting

6:00 pm, Tuesday, January 10, 2012

City Council Chambers, City Hall

1<sup>st</sup> Floor, City Hall, 1300 Perdido St.

If you are unable to attend the meeting, please fill in your information below, sign and drop off this sheet at 6342 Louisville St. by Sunday, January 8, 2012.

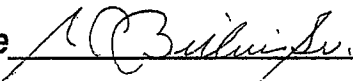
DO NOT  
I support changing the Mixed-Use Low Density categorized property on the Future Land Use Map (FLUM) along Harrison Ave. between West End and Canal Blvd. to Residential Single-Family Post-War, the same category as the adjacent residential properties.

Name ARTHUR J. BILLIV SR.

Address 6363 CATINA ST., NEW ORLEANS, LA 70124

Email BILLIV55@AOL.COM

Phone (504) 252-9214

Signature 

## Article in The Times-Picayune, N.O. tinkering with master plan *Some proposals spark alarm*

Bruce Eggler, Staff writer

Published: December 27, 2011

The City Planning Commission and its consultants spent 18 months and \$2 million creating the New Orleans master plan that was adopted last year, but both the commission's staff and private citizens quickly came to the conclusion that the document needs a lot of revisions.

The commission recently spent 2 1/2 hours taking public comments on proposed amendments, and it will hold another hearing in January before deciding on its recommendations to the City Council.

Most of the scores of proposals before the commission would amend the plan's future land-use map, which indicates in broad categories how all land throughout the city is to be developed. But there also were several ideas for changing the text of the plan itself, and a few of them proved controversial.

The suggestion creating the most outcry came from the Landrieu administration. The Office of Economic Development suggested allowing that office to request an amendment to the plan "out of cycle" if it would help the city compete for a new or relocating business that also is considering sites in other parishes or states.

The 2008 City Charter amendment that spelled out the requirement for a master plan with the force of law also explains in detail how the plan can be amended. It can be revised no more than once a year, and all proposed changes have to undergo the same lengthy process of public hearings and votes by both the planning commission and the council as the ideas now on the table.

The administration's proposal did not appear to involve letting the administration unilaterally amend the master plan, only to let it propose a change after the normal deadline for that year. Even that would appear to violate the charter, and several speakers decried the suggestion.

One said the administration was trying to "run a bulldozer through the master plan," and others said the proposal was illegal and would run counter to the wishes of the large majority of voters who approved the charter change.

Bill Borah, a lawyer and preservationist who spent many years campaigning for a master plan before finally seeing his dream realized, warned that the proposal could take the city back to the "ad hoc, dysfunctional planning process that plagued it for decades," in which developers had only to get the approval of a district council member to change zoning rules and allow a project to proceed.

The council still has much of the same power, but the existence of the master plan means there are additional procedural hurdles to clear, and the process now is likely to take much longer, involving first a change to the plan and then an amendment to the zoning code.

Also creating controversy has been a proposal by several local universities, led by Tulane University, to amend the plan to include higher education in a list of "established industries" -- such as tourism, oil and gas, the port and "advanced manufacturing" -- that the city will seek to "preserve and expand."

Arguing that the city's colleges and universities have 63,000 full-time students and account for 15,000 jobs, representatives of Tulane, Loyola, Xavier and the University of New Orleans said they deserve to be ranked among the city's major industries and to be encouraged to expand if they want.

That idea concerned some of their neighbors, particularly of Tulane, which also submitted a long list of desired changes to the future land-use map, seeking to change the designated use for many properties Tulane owns that are not part of its main Uptown campus. In many cases it wants to change their designation from "residential" to "institutional" or "mixed-use, high-density."

Some of the changes would simply bring the designation in line with current uses or zoning, but in other cases the changes would appear to give Tulane greater leeway in redeveloping the property.

Contrary to what some neighbors appear to believe, designating higher education as an industry would not mean university-owned property would acquire "industrial" zoning or land-use designation. Even so, some nearby residents, particularly those upset by Tulane's recent announcement of plans for an on-campus football stadium, are highly suspicious of any changes that would achieve the school's goal of giving it greater authority over how it uses its property.

The planning commission has not decided on its positions on any of the proposed amendments to either the master plan's text or the land-use map. It will vote on them after it holds its **second hearing Jan. 10 at 6 p.m. in the City Council chamber at City Hall, 1300 Perdido St.** The commission then will send its recommendations to the council. If the council votes to reject or modify any of the commission's recommendations, the issues will go back to the commission for further consideration.

Bruce Eggler can be reached at [beggler@timespicayune.com](mailto:beggler@timespicayune.com) or 504.826.3320.

**Comments**

**on**

**Amendment PD5-1R**

**Review Mixed-Use Low Density Designation  
(On Future Land Use Map)**

**In support of changing the Land Use Category from  
Mixed-Use Low Density  
to  
Residential Single-Family Post-War**

from

John P. Lyons

6342 Louisville St.

**Representing myself  
and  
268 residents who have signed a petition  
and more who feel  
that an existing established residential neighborhood  
deserves to be preserved and protected**

30 January 2012

*The Future Land Use Map (FLUM) was adopted in 2010. A revision was made to the zoning map three years earlier in 2007. The FLUM had a land use category assigned to the subject area that conformed to the earlier zoning map change. Since both maps are related, my comments address both maps.*

## Introduction

I am a 34 year resident of Lakeview. My house is a half block off Harrison Ave. From 1980 to 2007 this neighborhood had been unchanged. It had the characteristics of a typical Lakeview neighborhood. The zoning change in 2007 from residential to commercial has set the stage for drastic changes to occur.

I am one of a group of six Lakeview residents who have taken it upon ourselves to work toward overturning the change to commercial zoning we oppose.

These comments are the result of canvassing the residents, researching five City Planning Studies and meetings with public officials and City Planning staff. I ask that you give them serious consideration.

We did not ask to have the zoning changed from residential to commercial. It was done without our consent. We were offended to learn that the change was made after Katrina when most residents had not returned to their homes.

Commercial uses and residential uses in close proximity are sure to cause problems. Look at how often the City Council and the City Planning Commission must deal with conflicts between these two uses. The current zoning code does not have provisions adequate to protect residential areas from the negative impacts of nearby businesses. Without the property tools and using them, there is little hope for peaceful coexistence.

We realize that there are ways to have commercial and residential together and minimize the potential for conflicts. They include providing effective barriers and buffers, adequate parking and limiting permitted uses. With good planning there can be a win-win solution for both groups. It is our view that if a proposed change is not a win-win for both groups, it should not be made.

Not having a zoning ordinance that has adequate provisions to protect and preserve residential areas when a strip of commercial zoning is inserted into our established residential neighborhood, we face an unstable future. The only way to ensure a typical Lakeview atmosphere and character in our neighborhood is to remove the mixed-use category from the FLUM, and the LB-1 from the zoning map and replace both with residential.

We have found that during the discussions to make the change, no one spoke on the neighborhood residents' behalf. There was never a concern for our quality of life or what the residents wanted.

I ask CPC to consider the following questions:

1. Were the neighborhood residents given a fair opportunity to be effectively involved in the discussions on this issue?
2. Did anyone speak on their behalf?
3. Should the zoning have been changed in 2007 during the aftermath of Katrina without the approval of the residents?
4. Would Lakeview be any less of a prime residential neighborhood without this strip of property being commercial?

## 1. Neighborhood Participation

Due to the disruption Katrina caused, the residents of this neighborhood were not notified by mail, did not see notices in the newspaper and were not here to see notices posted in the neighborhood of the proposed zoning change in 2007. They were not involved in the discussions. This was told to me by almost every resident asked to sign a petition to change the zoning back to residential.

The recent Neighborhood Participation Program (NPP) has as its purpose "...a system of organized and effective neighborhood participation in land use decisions and development matters that have a direct impact on the quality of life at the neighborhood level."

The residents of my neighborhood did not participate in community planning after Katrina. Without the resident's participation, the zoning change and the discussions that led to the change could not reflect the true wishes of the residents.

Since the residents of the affected neighborhood had no voice in this land use decision, the zoning should be restored to the pre-Katrina residential classification and the FLUM should have the land use category for the area changed to Residential Single-Family Post-War.

## 2. Initial Reasoning to Change Zoning to Commercial Flawed

In 2007 the Councilmember for this area argued for commercial zoning despite opponents' complaints that the rezoning would: a) Cause parking problems, b) Hurt property values, and c) Hurt residents' quality-of-life. She said the area had many commercial uses. **[Actually there were only four.]**

She said it made sense to provide more legal places for businesses to open, rather than have them spill over onto streets that are purely residential. **[Simply enforcing the zoning ordinance and the law would have stopped businesses from operating illegally in residentially zoned areas.]**

We were told that areas were chosen for commercial expansion to a) Envelope spot zoned and non-conforming properties, b) Provide for needed commercial space, and c) Spur development.

These reasons have turned out to be unfounded and the resulting zoning change unnecessary.

## 3. Adjacent Neighborhood Commercial

Residents of the area know the negative impacts (traffic, parking, trash, noise and commercial vehicles damaging our fragile streets) the commercial uses along Harrison Ave. to the east of Canal Blvd. have on the adjacent residential properties.

Disagreements between commercial and residential property owners in close proximity to one another are well documented in the news and at council meetings.

Residents know that a commercial use with little or no negative impacts can be replaced at any time by a new commercial use with many negative impacts.



The new Master Plan recognizes that some businesses can become nuisances to their residential neighbors. It even proposes a ticketing system as a means to controlling this problem if it occurs.

Residents do not want this to be their future. They want a zoning classification (residential) that provides the best protection of the residential character their neighborhood has always enjoyed.

#### **4. Neighborhood Stability**

Changing property zoning classification from residential to commercial destabilizes the neighborhood. It places a financial gain option for residents to sell to commercial. Residents could pursue several strategies: a) Commit to keeping their residence, b) Sell to commercial and move to another residential area that is stable, c) Wait until commercial use values go up then sell. The neighborhood will slowly lose its residential character as more commercial uses locate here putting more pressure for residential property owners to leave.

The zoning ordinance regulations for yard sizes will create a jack-o-lantern effect as residential uses have a 20 foot front yard requirement but commercial have a zero front yard requirement. This will make residents less comfortable living there and accelerate the change to commercial.

The property values for the commercial zoned properties will increase while the property values of the adjacent residential zoned properties will decrease.

All of this creates a very unstable neighborhood with no clear picture of what the future holds.

#### **5. Established Residential Neighborhood**

This neighborhood is an established residential neighborhood. It was protected from the impacts of commercial activity which exists to the east and west along Harrison Ave. by substantial green spaces of the medians of Canal Blvd. and West End Blvd. which acted as effective barriers to keep the effects of the commercial activities from reaching our neighborhood.

If a new commercial zoning is to be placed in an established residential neighborhood it should include substantial, effective barriers and buffers similar to what the medians provided.

Established residential neighborhoods deserve protection. There should be no acceptance of any residential casualties in the name of improvements when good urban planning could prevent it.

#### **6. Neighborhood Commercial - a need or a want?**

In 2007 the Unified New Orleans Plan included a **retail demand analysis** for Lakeview that concluded there was a "demand" for more retail in Lakeview.

The flaw is that the analysis assumed 100% capture (all residents make all purchases in Lakeview). Even the most loyal Lakeview resident doesn't do that. One good example is construction materials. Zoning does not allow a Lowes or a Home Depot in Lakeview and those types of purchases were a substantial part of purchases at that time.

I also question if there is a need for all the permitted uses commercial allows. A good example is restaurants. Are restaurants a need or a luxury? It is a discretionary expenditure; not a need.

## **7. Not in My Neighborhood**

When opponents to proposals to change residential zoning to commercial on Polk St. and along Robert E. Lee Blvd. spoke at a CPC hearing in 2007, everyone of them said they did not want commercial in their neighborhood, but thought it was ok elsewhere in Lakeview. This is an unfortunate, un-neighborly attitude.

As good neighbors and fellow residents of Lakeview we should not ask others to accept what we would not accept on ourselves.

## **8. Precedent**

When the CPC listened to public comments regarding changing the zoning of residential property to commercial at the same public hearing mentioned in item seven, they seemed to understand that the residents were not involved and may not approve of the proposed change.

One commissioner asked about what opportunity residents had to be involved. To which a proponent answered the discussions were open to everyone, and he heard no opposition at the monthly meetings.

Another commissioner expressed concern that residents were not privy to the discussions. A proponent responded that some residents may have gotten involved at a latter stage in the planning process and attributed this to different rates of return based on personal circumstances.

The commission chairperson commented that the Commission had denied spot zones in the past and that spot zones and illegal businesses should not give credence to the proposal to change to commercial zoning.

At the end of the hearing the CPC stopped the change from residential to commercial on Polk St. where opponents had 52 residents signed a petition. We have 268 signatures on our petition and cite the same reasons (and many more) as they did against commercial zoning.

What was a good decision by the CPC then would also be a good decision now.

## **9. Neighborhood Character**

First and foremost Lakeview is a residential neighborhood. All land use decisions should be examined to ensure that the peaceful character we all enjoy is not disrupted for anyone in Lakeview.

The mixed-use category is more appropriate to a Magazine St. neighborhood. It did not exist anywhere in Lakeview before and is out of character with the typical Lakeview neighborhood character.

## **10. Land Use Trend**

Before 2007 there are fifty-four properties fronting on Harrison Ave. between Canal Blvd. and West End Blvd. Fifty properties (93%) were residential use, utility use or unoccupied;

four properties (7%) were commercial use. One of the commercial uses closed. The land use trend was toward residential.

The 2007 zoning map changed the residential zoning classification in Lakeview from Two Family to Single Family. This reinforced the trend toward residential.

During the last three and a half (3-1/2) years since the zoning change to commercial one previously residential use property has changed to commercial use bringing the commercial uses back to four.

#### **11. Impacts on Neighboring Property**

If the zoning were returned to residential, the peaceful, quiet residential character of our neighborhood would be preserved. Stability would be restored. The uncertainty of what negative impacts businesses would bring with them would be removed.

#### **12. Evaluation of Current Land Use Classification**

The Mixed-Use Low Density category allows a commercial use next to a residential use. This will create a jack-o-lantern effect all along the street due to differing yard requirements that will lower the quality of life for the residential property owner.

#### **13. Other Zoning Ordinances**

Jefferson Parish has language to **protect nearby residential areas from possible adverse effects of commercial activity** by evaluating applications for commercial to see if **an area is suitable for and in need of commercial. They consider:** If the neighborhood commercial district as proposed **will adversely affect the abutting residential areas**, if the resulting concentration of **traffic will present problems of safety or impede normal traffic movement on adjacent streets**, and if the need for such **neighborhood commercial district is justified on the basis of facts.**

Terrebonne Parish treats this in a similar manner: **In order to facilitate the special need to preserve the sensitive neighborhood setting of the surrounding residential districts**, the regulations **incorporate provisions which limit commercial rather stringently.** It recognizes that the commercial activities **will be in close proximity to established residential neighborhoods. It is mandatory** that the commercial uses **shall be subservient to and compatible with the peace and tranquility of a general residential environment.** In addition, no operations or activities shall be allowed **which disturb or annoy the residential inhabitants of the surrounding area.**

#### **14. Justification for the Proposed Amendment**

The following items show that the land use classification for the subject property does not further, and in fact interferes with the goals, policies and strategies of the Master Plan.

The commercial land use category will **not preserve or enhance the quality of life or the character** of the neighborhood.

The Mixed-use Low Density classification is **out of character** in Lakeview.

The land use classification **does not require meaningful transitions or buffers** between commercial and residential land uses.

The land was **not underutilized commercial or industrial land** so it is not appropriate for creation of mixed-use neighborhood centers.

There are no zoning regulations for the purpose of **mitigating the impacts of businesses on predominantly residential areas**.

There was no effort made to make **adjacent land uses have beneficial impacts on one another**.

This zoning change **takes away the “quality of life”** residents have enjoyed.

Residents returned and repaired or rebuilt their homes **expecting the neighborhood to return to what it was before Katrina**.

The land use change does not promote retaining the **residents who have returned and invested in the City**.

There are no requirements for business owners to come together with residents to **mitigate or eliminate adverse impacts on residents**.

The land use classification does not conform to neighborhood resident's wish that **no houses be converted into non-residential uses**.

## **15. Win/Win Solutions**

Commercial activity should not be forced into established residential neighborhoods.

It should only be placed:

- where affected residents want it,
- as part of a coordinated, comprehensive design that improves the quality of life of adjacent residents and places requirements and restrictions on commercial so that it does not negatively impact the residents.

Good urban planning and effective buffers and barriers can produce positive results for both commercial and residential uses.

## **16. Force of Law**

The prime dictate of the “Force of Law” provision in the Master Plan is **consistency**. But there is no consistency between the assignment of the land use category and the many urban planning principles found in the five urban planning studies produced during the last 22 years including the Plan for the 21<sup>st</sup> Century: New Orleans 2030.

If this land use decision had been evaluated against the urban planning principles in the planning studies, perhaps the change from residential to commercial would never have taken place.

Following are excerpts from those five planning studies that support not changing residential zoned property to commercial.

## New Century New Orleans 1990

### Vital, Distinctive Neighborhoods

- “**Reduce** the large number of **non-conforming uses** and the effect of inappropriate spot zoning in neighborhoods. Provide **more control of non-residential land uses** within residential communities.”
- “**Discourage through traffic** on minor neighborhood streets.”

### Neighborhood Commercial Services

- “...discourage commercial use that is inappropriate in scale, activity or **hours of operation**.”
- “...**carefully examine the effects** on...established character of the neighborhood.”

### Revitalize our Neighborhoods

- “...**protecting the interest** of our neighborhood residents.”

### A Commitment to the Community

- “Ultimately, the most important asset of this plan is that it reflects **citizens’ hopes for the future...**”

## New Orleans Land Use Plan 1999

### Overview of the 1999 Land Use Plan

- “Integrity of residential neighborhoods is threatened by **intrusion of incompatible commercial** and industrial uses.”
- “**Inadequate protection** and enhancement of existing neighborhoods.”
- “**Inadequate neighborhood participation** in the city’s decision-making process regarding development and redevelopment.”
- “Citizens of New Orleans unanimously agreed that all future changes should **preserve and revitalize residential neighborhoods** throughout the City.”
- “...**reduce commercial pressures** on residential areas...”
- “...direct future commercial growth to **areas most able to provide adequate parking** and traffic support.”
- “In specific areas, commercial uses have been limited to neighborhood services which are **expected to have little negative impact** on the surrounding residential community.”

- "...many of the **non-conforming uses contribute to the land use conflicts** citizens report."
- "In the proposed land use map, these **non-conformities have been removed**, pursuant to what citizens reported during the workshops, **to be replaced by the area's prevalent land use type.**"
- "...residents of each planning district would participate in a formal manner with the Planning Commission to address future changes in specific land uses, especially when a **currently non-conforming use proposes to undergo expansion** or a change in ownership."
- "Citizens of New Orleans expressed strong support for changing areas of the city where **land use conflicts adversely affect the quality of life for residents.**"

#### Planning District Five: Lakeview

- "**Quiet, secure neighborhoods...**make the **Lakeview** district a stable and comfortable place to live."
- "The Land Use Plan seeks to **preserve the district's residential** and recreational character while **reducing conflicts caused by commercial** or institutional properties."
- "The following land use actions would improve the quality of life in the district: **limiting retail services to existing areas** and to neighborhood stores, **improving parking for commercial** and institutional facilities, and **providing landscape buffers to shield residential areas from commercial** and institutional facilities and transportation corridors."
- "The district has retained and strengthened its **residential character**, with **limited commercial activities** to support this population."
- "Overall the district can be characterized as being **predominantly residential.**"
- In 1997, residential land uses accounted for 43.3% of the district, parkland 45.4% and commercial 2.7%.
- "Residents recommended that **commercial activity be restricted to where it already exists...**and should be limited to neighborhood services."
- "**Landscape buffers and off-street parking** are needed to mitigate conflicts between commercial/industrial and residential areas."
- "...**Lakeview** is composed of **stable, quiet neighborhoods...**"
- "The area's residents, more than those in any other area of New Orleans, are **satisfied with their quality of life**. A large part of this satisfaction is due to the District's **predominantly residential character, limited commercial development**, and absence of industrial uses and abundance of green spaces."

- “With all of the positive attributes of the area, it is not surprising that the **greatest concern** of the Lakeview residents regarding the future development of their neighborhoods is related to **preservation and protection of the existing quality of life.**”
- “Residents also acknowledged **commercial and institutional pressures...**that create **traffic congestion, parking pressure and encroachments into residential neighborhoods.**” Pressures include: **noise and litter problems.**
- “In District Five, the 1999 Land Use Plan and subsequent revisions to the CZO are likely to **result in a more restricted list of permitted uses** allowed in neighborhood commercial areas.”
- “Neighborhood Commercial – a land use category describing small-scale retail or service operations that serve the surrounding residential area and have **limited impact** on the surrounding area in terms of **traffic, parking and hours of operation.**
- The **priority issue** affecting our neighborhoods is **stabilization.**
- The community unanimously calls for **protection of the residential character** of the area.
- Residents would like to reduce the likelihood of future spot zoning designations and **prevent** the establishment of **non-conforming commercial** throughout the district.
- Pressure from commercial uses on residential neighborhoods include: **truck deliveries, insufficient parking, noise and litter.**
- Proposed future development of commercial activities should be **restricted...**to where similar establishments **currently exist.** The limitations are intended to support and reinforce the existing residential nature of the district and **minimize the negative effects of commercial** development on the surrounding residential areas.
- While **non-conforming commercial** uses are currently scattered throughout the district, the proposed land use plan reflects a reduction as individual uses cease operating and become available for future residential development.

### Lambert Plan 2006

#### Pre-Hurricane Katrina Neighborhood Conditions

- **Harrison Avenue between Canal and West End Boulevards remains residential with a few isolated ‘non-conforming’ commercial enterprises.** In this section, the Harrison Avenue median is left as a landscaped Neutral Ground. The residential fabric dominates this neighborhood. (11)

#### Neighborhood Rebuilding Scenarios

- **Assist and guide the recovery** of key private land parcels in District 5 and the Lakeview neighborhood such as: Robert E. Lee Shopping Center and the Harrison Avenue corridor.(27)

## Neighborhood Recovery Plan

- Harrison Avenue (Canal Boulevard to West End Boulevard): This area of Harrison Ave was **predominantly residential with a number of interspersed commercial uses** prior to Hurricane Katrina. The City of New Orleans' 1999 Future Land Use Map recommended that these **commercial uses, as they went out of business, not be replaced** and the totality of this **section of Harrison Avenue have a residential land use category**. In essence it assumed that **most of these businesses would eventually disappear**.(36)
- The District 5 Land-Use Committee **recommended that commercial uses along Harrison Avenue be extended from Canal Boulevard to West End Boulevard**. This proposal will **require extensive study and further evaluation** in light of general repopulation activity, overall retail market strength and related issues.(37)
- Lakeview Single Family Residential District: ...**preserve the distinctive character of the Lakeview area**.(40)

## Unified New Orleans Plan 2007

### Chapter 1

- Purpose: "To serve as a **guide for recovery and rebuilding** projects that will **restore the District 5 community to pre-Katrina conditions**."
- Purpose: "Identify community improvement **projects that were critically needed prior** to Katrina..."
- "The overriding theme for all of the UNOP initiatives is to **build back** all of New Orleans' Districts in a Safer, Smarter and Stronger manner while respecting the history, heritage and **desire for citizens to move back home**."
- Planning Process: "The objective of this multi-level planning process is to successfully **integrate community input and professional planning expertise** into a city wide recovery and rebuilding plan."

### Chapter 2

- "**Public involvement is one of the most critical components** of the UNOP."
- "The need to analyze **market-driven economic development opportunities** along major retail corridors as a priority focus for identifying recovery and rebuilding projects."

### Chapter 3

- Residential Survey (October 2006): **472 occupied housing units out of 8,130 in Lakeview, 5.8%**.(3.3)
- "...landlords are being told by **business owners they are not ready to return**..."(3.4)



## Retail Demand Analysis

- **The EDSA team** developed a range of repopulation scenarios **to forecast spending potential** within District 5 over the next 10-year period.(3.5)
- Average household rates were applied to the population levels **to determine the total supportable commercial activity**.(3.5)
- Several assumptions need to be made to complete the analysis.(3.5)
- One important point to note is that **the numbers presented represent the full spending potential** of District 5 residents.(3.5)
- These numbers solely are to present the **maximum supportable retail operation based on [100%] local spending**.(3.5)
- The spending potential of the returned District 5 residents can support nearly 328,000 more square feet than currently operating in the District (**assuming a 100% capture rate**). (3.6)
- Most notably, there is the demand for 42,600 square feet of **grocery store** and 29,700 square feet of **drug store**.(3.6)

## Chapter 4

- **Prior to Hurricane Katrina** District 5 was one of the most affluent communities and one of the city's **most desirable places to live**.(4.2)
- The community seized the destruction created by Katrina **as an opportunity** to not only rebuild its neighborhood but..."(4.2)
- The planning team turned to District 5 residents [those few who attended meetings] for input on what the **community's needs were prior to Katrina** and more importantly since Katrina.(4.2)
- District 5 residents seek to **restore the livability of their community**...one way is to **restore basic neighborhood commercial services** such as grocery stores, banks, drug stores, restaurants and other essential services.(4.5)
- Goal 3: Capitalize on **site development options to rebuild the district's tax base**...**promote the rezoning and gradual redevelopment** of Harrison Ave. frontage lots between West End Boulevard and Canal Blvd., ensuring new development maximizes lot usage...(4.6)
- The **zoning subcommittee** itself included local **professional planners** intricately involved in the UNOP plan.(4.14)
- With the help of local and national **professional planners**...to specifically address the **zoning needs** and desires of the area, both residential and business.(4.14)

## Chapter 5

- Utilize Lot Next Door program to **reduce single family neighborhood densities**.(5.4)
- the prioritization of retail services included **key facilities such as grocery store, drug store and day care facility**.(5.9)

## Chapter 6

- Return District 5 to a **better condition** than its pre-Katrina status [by whose definition?].(6.2)
- Recovery projects are best defined as initiatives that focus foremost on **restoring essential services**, infrastructure, and quality of life to pre-Katrina levels.(6.2)
- **Residents who have returned** since the hurricane have dedicated themselves to **rebuilding the housing stock** to reflect the **character and charm of the community prior to Katrina**.(6.4)
- Promote new approaches to the use of zoning as a way that protects the integrity of District 5 neighborhoods.(6.4)
- The economic development strategy for District 5 is focused on **restoring the basic retail and service businesses** that have historically served the local population. The centerpiece of this strategy is the reestablishment and expansion of the Harrison Ave commercial corridor, where leaders hope to attract a new grocery store and **rezone frontage lots from residential to commercial**.(6.6)

## Chapter 7

- [Grassroots?] **Most of the participants are active community leaders** in their neighborhoods and are engaged in neighborhood improvement activities.(7.3)
- Develop a strong advocacy for **basic needs and services**.(7.3)
- The **continued input of residents** of D5.(7.3)
- **Public outreach and involvement was critical**.(7.3)

## Appendix B - District Meetings

- Hoping to **expand business district down Harrison**(B.2)
- The reason why residents do not come back to the meetings is because of slowness of the process.(B.2)
- We must get the population comfortable...to get them to **come back and support commercial**.(B.2) [This is 180 degrees out of phase. Who is serving who?]
- **Investors** will not come if the population does not increase.(B.3)
- **Population is needed in D5 to support commercial** and retail rebuilding and recovery.(B.5)

- **Business/Services needed:** Grocery store, drug, day care, schools, gas station, health care, senior center, post office, library, golf.(B.5)
- Some hope that the make-up of the neighborhood will not change too much.(B.6)
- **Rebuild Lakeview with residents.**(B.6)
- These **meetings need to be advertised better** and explained to the public as to the importance of their participation.(B.6)
- New development must be sensitive to the **character** and architectural context of surrounding neighborhoods.(B.7)
- **Retail demand analysis:** average spending per household, inventoried operating businesses square footage, assume 100% capture, determine maximum supportable square footage and call it a demand for commercial.(B.7)
- **Enable an increased density on Harrison Ave.** and mixed use developments.(B.8)
- Recovery projects focus on essential for **restoring services**, infrastructure and quality of life pre-Katrina levels.(B.9)
- Community improvement projects...**aim to improve the community well beyond pre-Katrina conditions.**(B.9)
- Proposed **zoning change from low-density residential to mixed-use.**(B.10)
- **People are interested, just too busy.**(B.11)

#### Appendix C – Recovery Assessment

- **Prior to Katrina**, District 5 was primarily a **community of homeowners.**(C.2)
- Prior to the start up of the UNOP project, just over **680** homes [out of **8,130**] within District 5 were occupied.(C.2)
- Harrison Ave: **businesses are concentrated to the west of West End Blvd. and to the east of Canal Blvd.** The **space between primarily is residential.**(C.6)
- **Restoring the District's commercial and service base** is seen as an important goal for the residents of District 5.(C.7)
- **Consultants prepared estimates of consumer spending demand** and then convert that into an amount of supportable commercial building square footage that District 5 households might be able to support in the future (assuming 100% capture).(C.7)

#### Plan for the 21<sup>st</sup> Century: New Orleans 2030

"All land use actions must be consistent with, or at a minimum, not interfere with, the goals, policies and strategies of the Land Use element of the Master Plan and any future amendments to the Master Plan."

## Volume 1 - Executive Summary

- “Creation of a **land use plan that preserves and enhances the quality and character of every neighborhood** and district.” (p. 20)
- Public Outreach: “This program (Community Participation Program) should **provide all residents with a meaningful voice** in decisions that affect the quality and character of individual neighborhoods and of the entire city.” (p. 21)
- Land Use Plan: “**Manage the impacts of parking** on public streets and surrounding neighborhoods.” (p. 38)
- Action: “**Avoid new development** where it would **require creation of new infrastructure**.” (p. 42)
- Action: “**Establish transitions and buffers from retail to surrounding residential areas**.” (p. 45)
- “**Stable neighborhoods that need vigilance to maintain that stability**.” (p. 55)
- “Enhancing neighborhood commercial districts and residents’ access to retail and services...**where they are desired by residents**.” (p. 56)
- Strategy: “Establish systems to **enforce quality of life regulations** and **eliminate nuisance businesses**. Action: Create a ticketing system with fines for quality of life issues.” (p. 58)
- Strategy: “...create new compact mixed-use neighborhood centers **on underutilized commercial and industrial land**.” (p. 60)

## Volume 2 – Strategies and Actions

### Part 1

- “All land use actions **must be consistent** with the goals, policies and strategies...in the Master Plan.” (p. 1)
- “**Consistency** means that the land use actions must further, or at a minimum not interfere with, the goals, policies and strategies in the Land Use Plan section of the Master Plan.” (p. 1)

### Chapter 5 - Neighborhoods and Housing

- Action: “Use zoning to guide the scale and character of new infill to **fit the character of established residential areas**.” (p. 5.5)
- “...provisions for neighborhood corner stores **where they are desired by residents**...” (p. 5.5)

- “New development and redevelopment should be designed and tailored to the physical environment, **preserving the general scale and character of existing residential areas.**” (p. 5.15)
- “Residents and Business Owners can be brought together to see if better ways to manage business activities can mitigate or **eliminate adverse impacts on residents.**” (p. 5.18)
- “...land use map and zoning code can **make the use non-conforming** so that the use **can not continue** after the current enterprise leaves.” (p. 5.18)
- “Neighborhood residents sometimes find that businesses located in residential areas cause problems by **attracting or facilitating crime** or by other **adverse impacts on neighborhood life.**” (p. 5.18)
- **Nuisances:** “...**noise and activities related to** music clubs, **restaurants** and similar businesses.” (p. 5.18)
- Area Plans: “The plans should include analysis of...parking...and **impacts on and transitions to adjacent residential areas.**” (p. 5.27)

#### Chapter 14 - Land Use Plan

- Policy: “**Preserve and protect the character of successful residential neighborhoods.**” (p. 14.1)
- “All land use actions must be consistent with, or at a minimum, not interfere with, the goals, policies and strategies of the Land Use element of the Master Plan and any future amendments to the Master Plan.” (p. 14.2)
- Strategy: “**Promote clustering of neighborhood retail** and services and **avoid long corridors of low density commercial development.**” (14.6)
- Neighborhood Business District Zoning Principles: “**Create standards** within the ordinance for small local business districts **located within a predominantly residential area.** Standards within the ordinance should **carefully mitigate the impacts of these business districts...**” (p. 14.28)

### Volume 3 – Context and Appendix

#### Chapter 4 - The Community Speaks and Shapes the Plan

- “The majority of comments received on the website have centered on **preserving neighborhood character**, including: **preventing or mitigating unwanted land uses.**” (p. 4.2)

#### Chapter 5 - Neighborhood and Housing

- “Enhancing the livability of all New Orleans neighborhoods, while preserving their unique character, is one of the overarching goals of this Master Plan. It is critical to **retaining the residents who have returned and invested in the city...**” (p. 5.1)

- "...**investing in a high quality of life** is also an **economic development strategy**." (p. 5.1)
- "Residents of [Stable neighborhoods] are **most concerned with assuring that their neighborhoods are safe**, ...that **infill development is compatible with the neighborhood**; and that any development that occurs at the edges of the neighborhood is **positive and does not have any adverse impacts**." (p. 5.5)
- "The **shortage of supermarkets** is the most common resident complaint about lack of neighborhood retail." (p. 5.8)
- "As long as businesses are well-managed and patronized by neighborhood residents, citizens are anxious to preserve them. However, they **do not wish to see conversion of more houses into non-residential uses**." (p. 5.9)

#### Chapter 14 - Context

- "Land uses arranged so that they have **beneficial impacts on one another** help produce communities where the whole results in more than the sum of the parts." (p. 14.3)
- "Some land uses are **less susceptible to change** once they have been established. For example, **single family...neighborhoods tend to stay in place** over long periods, with limited change or encroachment from **other uses**." (p. 14.3)
- "...the **majority of the residential areas** on the Future Land Use Map will continue to reflect **existing residential types, particularly neighborhoods** that contain **predominantly single family**..." (p. 14.3)
- "**Ensure the continued stability of strong neighborhoods**." (p. 14.5)
- "**Neighborhood preservation** and revitalization...is at the center of New Orleanians' **land use concerns**." (p. 14.5)
- "**Residents**...are vigilant about **preserving neighborhood stability** and the potential for **inappropriate encroachments by commercial** or other uses." (p. 14.5)
- "Direct **future commercial growth** to areas most able to **provide adequate parking and traffic support**." (p. 14.6)
- "Goal: **Redesignation to residential** of industrial and **commercial uses** in areas now **surrounded by residencies**..." (p. 14.6)

#### Chapter 16 - Stewardship of the Plan

- The City Planning Commission (CPC) has **responsibility for planning to preserve and enhance the welfare of...each neighborhood**. (p. 16.2)
- Providing the CPC with **more effective tools for carrying out its mission is a critical element of the Master Plan**. (p. 16.2)

**Comments  
on  
Preliminary Staff Report  
PD 5-1.R  
2011 Master Plan Proposed Amendments  
By  
John P. Lyons  
6342 Louisville St.  
20 January 2012**

**Date:** January 6, 2012  
**To:** City Planning Commission

**Prepared by:** City Planning Staff

**I. GENERAL INFORMATION**

The Master Plan, titled "New Orleans 2030: A Master Plan for the 21<sup>st</sup> Century", was adopted by the City Planning Commission in January, 2010, and by the City Council on August, 2010. The City Charter requires that "at least once every five years, but not more than once per calendar year, and at any time in response to a disaster or other declared emergency, the Commission shall review the Master Plan and shall determine, after one or more public hearings whether the plan requires amendment or comprehensive revision. If amendment or comprehensive revision is required, the Commission shall prepare and recommend amendments or comprehensive revisions and readopt the plan." The Charter requires at least one public meeting for each planning district affected by amendments as well as one formal public hearing.

In the Summer of 2011, the City Planning Commission opened a Master Plan Amendment Application period. No application fees were charged for this first year of amendments. Nineteen (19) applications to amend the text of the Master Plan were received. Fifty-seven (57) applications to amend the Future Land Use Map (FLUM) of the Master Plan were received.<sup>1</sup> The public input process for these amendment applications included ten planning district meetings and a special public hearing held on December 13, 2011. The CPC staff's analysis included review of existing and newly developed plans and documents, meetings with applicants, concerned citizens, and agency representatives. A final public hearing is scheduled for January 10, 2012.

At the time of the Master Plan's adoption, the City Planning Commission authorized "technical" amendments to the Master Plan for document text and map editing. The Future Land Use Map was originally drawn without underlying the lot map; therefore, land use boundaries of the FLUM needed minor technical adjustments to coincide with lot lines. These adjustments involve only portions of lots/parcels and are reflected with striping in the attached maps. Additionally, the CPC staff notes many areas where the existing land use and zoning are in conflict with the Master Plan's Future Land Use

<sup>1</sup> Applications with multiple components were bundled according to the common applicant and planning district.

designation. The staff is aware of cases in which the community desires a change of land use character and honors those desires that were expressed through the planning process. In other cases, the staff identified lot specific conflicts where it believes the community does not support a change in land use character. The City Planning staff generally proposes FLUM categories that would result in fewer non-conforming uses, while still considering land use trends of the particular area. For large vacant industrial and institutional buildings, the staff proposes FLUM categories that provide feasible options for re-use. In these cases where the staff proposes a FLUM amendment, the subject area was mapped and the proposal displayed at public meetings and on the CPC website. These six hundred twenty-five (625) "substantial" amendments each covered at least one lot.

The proposed Future Land Use Map amendments are shown and labeled on the attached maps. The staff and public proposals are shown on separate maps. Each kind of map amendment is given an amendment number that begins with the planning district number. Public amendment requests include the letter "R" at the end of the number. Staff-proposed amendments do not include that letter. The CPC staff provides additional analysis for each of the public proposals as well as for any staff proposals where additional information warrants a change in the staff recommendation.

Each amendment request is analyzed in the following report sections according to: 1) text amendment requests, and 2) Future Land Use Map (FLUM) amendment requests. The FLUM amendments are organized by planning district. At the end of each planning district section, the staff addresses any changes to the CPC staff proposals, many responding to public input.

**Comment [JL1]:** Although the Mixed-use Low Density category allows both residential and commercial uses, commercial activity is more likely to increase due to the new financial pressures the category created. The land use change has the effect of promoting more commercial land uses. The reality is that the area will likely go completely commercial and there will be no "mixed" uses.

**Comment [JL2]:** Before 2007, the land use trend was toward more residential and less commercial use. The land use change has artificially reversed that and caused a new land use trend toward more commercial.



### III. FUTURE LAND USE MAP (FLUM) AMENDMENT REQUESTS

#### Planning District 5

Request Number: PD 5-1.R

Applicant: Councilmember Susan Guidry

General Area: Harrison Avenue Between West End and Canal Boulevards

Request: Review Mixed-Use Low Density Designation.

Staff Response: The CPC staff conducted an existing land use survey of Harrison Avenue between West End and Canal Boulevards. The staff found that there are fifty-two (52) parcels which front or border on Harrison Avenue from West End Boulevard to Canal Boulevard. There are twenty-two (22) single-family residences, ten (10) two-family residences and one (1) four-family residence for a combined total of thirty-four (34) residential uses or 65% of the land use is residential. There are fifteen (15) vacant parcels 29% of the existing land use, three (3) existing commercial uses 5%, and two (2) existing offices 3%, one of which is vacant. In 2007, with the intention of revitalizing Lakeview, community leaders requested that this section of Harrison Avenue be rezoned from RD-2 Two-Family Residential District to LB-1 Lake Area Neighborhood Business as part of a comprehensive neighborhood-based zoning revision for Planning District 5.

**Comment [JL3]:** It is now the consensus view that revitalization was not necessary, so in hindsight the land use change was not necessary.

As a result of the community meetings and an open forum for public input and comments, the City Planning Commission staff received seventy-three (73) written comments relevant to this request. Seventy (70) requests are for the Future Land Use Map to be changed from Mixed-Use Low Density to Post-War Residential Single-Family. Eleven (11) requests for change came from property owners living at 171, 201, 203, 231, 332, 336, 400, 401, 422, 430, and 507 Harrison Avenue. Thirty-seven (37) comments came from property owners located within the blocks bounded to the north or south by Harrison Avenue or adjacent blocks, have requested a similar request for change. Eighteen (18) property owners submitting a request for change to Post War Residential Single-Family live in the Lakeview area and four (4) comments for change came from property owners outside the Lakeview area. Two (2) comments requested that the FLUM not be changed. One (1) comment recommended increasing the commercial uses and adding a shuttle bus and parking in the neutral ground in the Park area between West End and Pontchartrain Boulevards and

**Comment [JL4]:** The predominant view

implementation of parking in the neutral ground on Harrison Avenue in the subject area. One (1) comment asked that the staff not change the existing commercial properties. The names and addresses of the people commenting were verified using GIS and the New Orleans Parish Assessors records.

Many residents within and near this section of Harrison Avenue are concerned about negative impacts from commercial uses on their quality of life. On the other hand, property owners who have purchased on Harrison Avenue since the change expect consistency in the regulations, since the change was part of a major community planning effort. Recently, nearby property owners have indicated that a compromise might be agreeable – reducing the intensity commercial uses allowed, while not completely reversing course. Restaurants in particular have been mentioned as having negative impacts of parking, litter, and odor.

The CPC staff notes that the Mixed Use Low Density is a flexible Future Land Use designation that could be consistent with business, residential, or mixed use zoning. If this designation is retained, a revision of the existing neighborhood business zoning is still possible through the Draft Comprehensive Zoning Ordinance. A new district could be developed or portions of the corridor could still be returned to residential zoning if this designation is retained.

**Recommendation:** No change

**Comment [JL5]:** The new property owners (those who purchased property after 2007) concerns are being given strong consideration. No such consideration was given to the existing residents when the land use category was created. There are still many more existing residents than there are new property owners. The opportunity to show consideration to the existing residents exists now.

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**Recommendation:** No change

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PD 5-2R

HEIGLE & ASSOCIATES

131 AIRLINE DRIVE  
SUITE 201

METAIRIE, LOUISIANA 70001-6265

J. GERARD DISCON  
EMAIL: GDISCON@GMAIL.COM

TELEPHONE (504) 832-0401  
TELECOPIER (504) 832-8155

August 3, 2011

City Planning Commission  
City of New Orleans  
1340 Poydras Street  
New Orleans, Louisiana 70112

Re: *Application for Amendment to Future Land Use Map;  
Lots 8-12, Square 34, Metairie Park Subdivision*

To Whom It May Concern:

Following the requirements of this Parish, I submit this letter requesting an amendment to the Future Land Use Map of immovable property owned by both the City of New Orleans and my client, Miriam B. Geerken, which property is described as follows:

**LOTS 8-11, SQUARE 34, METAIRIE PARK SUBDIVISION**  
(owned by Miriam B. Geerken)

**LOT 12, SQUARE 34, METAIRIE PARK SUBDIVISION**  
(owned by the City of New Orleans)

Presently, there is an application pending for the alienation of Lot 11 by the City of New Orleans (Property Disposition 2/11), which has been recommended for approval by the Planning Advisory Board and recently heard by the City Planning Commission. Should the application be approved, Miriam B. Geerken intends to purchase the City owned property at the public auction.

The Property in question forms the corner of W. Harrison Avenue and Bellaire Drive. My client's home at 439 W. Harrison Ave. fronts the city owned property, Lot 12, and W. Harrison Avenue.

In preparing for this application, our research has shown that all of the Property in question was originally included in drafts to the current Future Land Use Map, but was left out of the final approved Map. We are now applying to have the Future Land Use Map designation on the Property changed from Residential Single-Family Pre-War to Neighborhood Commercial. All of W. Harrison Avenue is currently designated as Neighborhood Commercial except for the Property in question and an additional 20' x 120' strip of land owned by the City of New Orleans across W. Harrison Avenue. We are simply asking for an extension of the current Neighborhood Commercial designation to include all property that fronts W. Harrison Avenue, as drafts to the current Map showed.

With the current Future Land Use Map as drawn, my client is the one who is most affected should new development on W. Harrison Avenue adjacent to the Property become a commercial use. My client would have the only property that fronts W. Harrison Avenue and not be allowed to have a commercial use. We feel that the impact on the Property would far outweigh the impact on neighboring property should an amendment to Neighborhood Commercial be extended to this Property.

Currently, there is a design overlay district that includes all the property on W. Harrison Avenue with a Neighborhood Commercial designation. We would suggest that the design overlay be extended to include this Property, thus requiring any proposed future development to meet certain design standards, including steps to reduce the impact of a neighborhood commercial use on neighboring property on Bellaire Drive.

We include with this letter the completed application by my client. I also enclose an additional application for Lot 12 (City owned property) that is unsigned. Please be sure to include the City owned property in this request.

My client and owner of Lots 8-11 is:

Miriam B. Geerken  
439 W. Harrison Avenue  
New Orleans, Louisiana 70124

My contact info is as follows:

J. Gerard Discon  
(Attorney for Present Owner)  
131 Airline Dr., Ste. 201  
Metairie, Louisiana 70001  
(504) 832-0401

If there is anything else required to fulfill this request, I can be reached at the above contact information.

Sincerely,



J. Gerard Discon



PD 5-2R

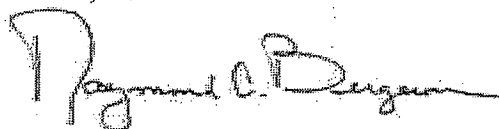
**Paul Cramer**

**From:** Ray Bergeron [rcbarch@cox.net]  
**Sent:** Wednesday, December 07, 2011 9:01 PM  
**To:** Paul Cramer  
**Cc:** 'J. Gerard Discon'; 'Bill Argus'; Douglas Mayo; 'Ghislaine Hegarty'; K Todd Wallace; 'Kenny Boyd'; 'Kurt Werling'; 'Lara LaBon'; 'Lori Davis'; 'Rod Stieffel'; 'Ron Martinez'  
**Subject:** RE: CPC Item PD52R

Paul Cramer:

The LCIA Zoning Committee has reviewed the change of zoning issue at 439 Harrison Ave. lots 8-12 and has voted to support the change of land use and zoning on the property. The lots in question are at the end of the LB1 zoning district and should have been included initially. The change in zoning has already been recommended to the CPC during the review public hearings of the master plan draft.

Thanks,



Raymond C. Bergeron, Architects  
251-5118

---

**From:** Paul Cramer [mailto:pcramer@nola.gov]  
**Sent:** Tuesday, December 06, 2011 12:15 PM  
**To:** Paul Cramer  
**Subject:** CPC Jan. 10 Major Subdivision Public Hearing Notice

**The deadline for submission of written comments is Wednesday, January 4 at 5pm.**

**CITY PLANNING COMMISSION  
MEETING AGENDA  
TUESDAY, JANUARY 10, 2012  
1:30 P.M. CITY COUNCIL CHAMBER  
(CITY HALL 1E07)**

The City Planning Commission (CPC) has received an application for the property listed below. A public hearing will be held on **Tuesday, January 10, 2012 at 1:30 p.m. in the City Council Chamber (Room 1E07), City Hall, 1300 Perdido St.** to consider this application.

**SUBDIVISION DOCKET 194/11** - Request by MONTE C. SHALETT, ZEN-PROP, LLC, JAMES C. SMITH, AND HOWARD W. SMITH to resubdivide Lots N-1, N-2, N-3, and X on Square 23, Prosper Plaza, Section A, in the Fifth Municipal District, bounded by General DeGaulle Drive and Sandra Drive, into Lots N4, N5, N6, N7, N8, N9, N10, N11, and N12. (ZBM E-16/PD 12)

You may attend the hearing as a proponent or opponent of the application, or for informational purposes. Your attendance is voluntary and is not required. If you have any questions or would like to review the file, please visit the office between 9:00 a.m. and 5:00 p.m., or telephone at (504) 658-7033. Should you wish to submit written materials or photos in support of your position please do so to the

12/8/2011

CPC, 1340 Poydras, Suite 900, New Orleans, Louisiana 70112 by 5:00 p.m. the Wednesday before the hearing date. This meeting is accessible to people with disabilities. Requests for additional accommodations or any assistance to participate may be directed to the Office of Constituent Services at 504-658-4000 (voice), 504-658-4002 (facsimile), or the City's TTY 504-586-4475.

Paul Cramer  
Planning Administrator  
New Orleans City Planning Commission  
1340 Poydras Street # 900  
New Orleans, LA 70112